Problems and Possibilities of Early Medieval Charters

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Problems and Possibilities of Early Medieval Charters

Edited by

Jonathan Jarrett and Allan Scott McKinley

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Preface

This volume was born out of a series of sessions at the International Medieval Congress in Leeds, run between 2006 and 2011, organised by Jonathan Jarrett, Allan McKinley, and Martin Ryan. After the success of the 2007 sessions, which were attended by far more people than we had expected, it was Allan who pointed out that if there was such an audience for what we had to say, it was probably worth trying to publish it. He was of course right, but for a tangled set of reasons it has taken this long to achieve. During that time the agenda with which we started the sessions, described in the Introduction below, has been mollified somewhat; it is now clear that we have been part of a trend, rather than starting one. Nonetheless, we think that this volume shows that there is much that can be done by reviewing the ways that charter evidence can serve the historian and that our contributors have indeed done some of it, and we hope that the reader will agree that the publication was worth the wait.

There are also, of course, a great number of people who have contributed to this work who do not appear here as authors. Chief among these are those who also spoke in the sessions but whose papers, for one reason or another, do not appear here: in chronological order Alexander Ralston, Nicholas Brooks, Alice Rio, Bernhard Zeller, Wendy Davies, Matthew Hammond, Georg Vogeler, Levi Roach, David Woodman, and Fabrice Rossi, as well as those who agreed, often at short notice (and sometimes on minimal acquaintance), to moderate the sessions, Paul Fouracre, Marios Costambeys, and Simon MacLean, as well as others already mentioned. The editors would also like to thank Martin Ryan, one of the originals, for his part in the organisation of the sessions and the development of their agenda, and Antonio Sennis for graciously agreeing to join his paper from the Leeds Congress of 2005 with ours that opened similar themes in following years. We owe considerable academic debts, in terms of scholar-

ship, discussion and encouragement, to Wendy Davies, Chris Wickham, Jinty Nelson, and indeed the other members of the Bucknell Group past and present, and to Matthew Innes, and to Pauline Stafford, John Dillon, and Chris Lewis at *International Medieval Research* for making sure that the book finally came together and Simon Forde, Guy Carney, and the copy-editing team at Brepols for ensuring a smooth run to press. Jonathan would like to thank Kathleen Neal for negotiations, Amy Brown for general presence, and Margaret Jarrett for Internet access at various crucial stages, and Allan would like to thank Nicholas Brooks (again) for setting him on this path, knowingly or not, and then encouraging it, Claire McKinley for encouragement and keeping him sane, and his parents for showing an interest beyond the point of duty. Finally, both of us would like to thank our authors for cooperating to produce such a quantity and quality of work to what became a chronically tight schedule, especially those outside the 'REF zone' who nonetheless let a UK agenda set their priorities at difficult times. The results speak for themselves, but might easily not have, and it has been a pleasure as well as a labour to bring it all together.

Jonathan Jarrett, Allan McKinley
Oxford and Birmingham, September 2012

Introduction: Problems and Possibilities of Early Medieval Charters

Jonathan Jarrett*

History from Charters

No historian of the Middle Ages, early or otherwise, really needs telling that charters are useful material for study, but this does not mean that all are familiar with them and their uses. The discipline known as diplomatic, a specialism with scientific credentials, operates almost as a border guard on the disciplinary interface, emphasizing that what lies beyond needs special treatment and unusual training.[1] A whole historiography, largely Francophone, has grown up on the possibilities of regional micro-study enabled by painstaking combing of this

* I would like to thank Allan Scott McKinley and Pauline Stafford for much salutary advice on the contents of this introduction. In order to prevent the apparatus completely drowning the text, only a few of many relevant examples from the literature are cited in what follows.

[1] The standard diplomatic manuals such as Giry, *Manuel de diplomatique*, de Boüard, *Manuel de diplomatique française et pontificale*, or, across the Rhine, Bresslau, *Handbuch der Urkundenlehre für Deutschland und Italien*, or Vogtherr, *Urkundenlehre*, with Italy represented by Paoli, *Diplomatica*, and Pratesi, *Genesi i forme del documento medievale*, do not encourage crossing of this frontier. There is no such manual in English, where students have only Boyle, 'Diplomatics', though Chaplais, *English Diplomatic Practice*, covers England itself in detail. In Spain and Catalonia the subject has largely been studied and taught alongside palaeography: witness Floriano, *Curso general de paleografía y diplomática españolas*. In French, Guyotjeannin, Pycke, and Tock, *Diplomatique médiévale*, now trades some weight of apparatus and depth of discussion for approachability. See Härtel, *Notarielle und kirchliche Urkunden*, pp. 404–05, for further references to such literature.

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evidence for persons, place-names, and the vocabulary of social change.[2] Royal and noble itineraries have been reconstructed, precedence at courts mapped, political ideologies detected, judiciaries investigated, levels of literacy contested, and language disputed, all on the basis of charter evidence.[3] The readers of such historiography will rarely go on to look at the documents themselves, however, even in edition, and discover therein the aspects of these sources in which the reader's guiding historian was not interested. Still less are they likely to explore the specialist literature that has grown up around them. Study of and familiarity with charters *per se* remains at best unusual and at worst a specialism left for others. This book joins a number of recent studies intended to put such work before a wider, non-diplomatist audience and show its problems and, more importantly, its possibilities.

A Discipline Divided

In recent years the term *Urkundenlandschaft*, 'charter landscape', has become popular in diplomatic scholarship to describe the particular documentary territories within which charters and their kindred documents can be said to share norms of use and construction.[4] Embedded in this concept is the idea that, although in Latin Europe all documentary forms that carried any authenticating value (and many that did not) drew ultimately from Roman archetypes, before very long, and largely by the time of our surviving evidence, the fragmentation of the Roman Empire into its various Western successor states had set up differ-

[2] For a guide to the extensive French historiography using such methods, see Bisson, 'La Terre et les Hommes', referring especially to Fossier, *La terre et les hommes en Picardie*. Not all such work has been French: one could justifiably single out Davies, *Small Worlds*.

[3] Examples of these sorts of work: vocabulary of change, Rodón, *El Lenguaje técnico del feudalismo en los documentos catalanes*; itineraries, *Jahrbücher des fränkischen Reiches unter Karl dem Grossen*, ed. by Abel, or *Calendar of the Fine Rolls of the Reign of Henry III*, ed. by Dryburgh and others; political precedence, Keynes, *The Diplomas of King Æthelred 'The Unready'*; political ideology, Classen, 'Kaiserreskript und Königsurkunde', Dufour, 'Obédience respective des carolingiens et des capétiens', and Stafford, 'Political Ideas in Late Tenth-Century England'; judicial change, Duby, 'Recherches sur l'évolution des institutions judiciaires', and Davies and Fouracre, eds, *The Settlement of Disputes in Early Medieval Europe*; literacy, Clanchy, *From Memory to Written Record*, and Heidecker, ed., *Charters and the Use of the Written Word*; language change, Zimmermann, 'Langue et lexicographie'. Lying behind almost all such approaches, whether consciously or not, is the fundamental Fichtenau, *Das Urkundenwesen in Österreich*.

[4] See Härtel, *Notarielle und kirchliche Urkunden*, pp. 308–10 for a brief account of the scholarship. A modern example is Erhart and Kleindienst, *Urkundenlandschaft Rätien*.

ences between their documentary cultures.[5] Despite the shared Roman inheritance, it is not hard to feel that the Visigothic Spanish slates of Ávila share little with, for example, the earliest royal privileges of Anglo-Saxon Worcester, the busy urban transactions of Lucca, or the few surviving documents of Agilolfing Bavaria, not least because of the starkly varying degrees of use of the written word and documents at law between these places.[6] Indeed, while many such *Urkundenlandschaften* could be adduced which were in contact with each other on a widespread basis, there is little evidence in any of these areas of any fascination with the documents of others that might have kept them in synchrony. Without a single orchestrating authority, even the echo of *Romanitas* cannot really have been expected to keep the different areas of Europe and their documents developing in parallel rather than apart.[7]

This attitude, explicit or implicit, has its effect in the scholarship. It discourages comparison of similar sorts of document from different areas, or even different sorts of document being used to do similar work, and it discourages communication between specialists working on such material. This effect is, of course, enhanced by the fact that, while the documents themselves usually share a common language, Latin, their historiographies do not. Those who study them speak many different tongues, and communication may not be immediately possible between them. Specialists have, especially in the last twenty years, rallied somewhat against the nationalistic tendencies of a specialism in which state chanceries and royal authority have exercised a long-lived fascination. Yet it is a far different thing to encourage a person working on, for example, urban communities in northern Germany to look not just at, say, Aragonese *fueros* but the scholarly literature derived from them, a literature, of course, just as ignorant in turn of the scholarship about the towns of the Hanse.[8] The *Landschaften* therefore continue to have their borders, and while

[5] Classen, 'Fortleben und Wandel spätrömischen Urkundenwesens im frühen Mittelalter'; see now also Nicolaj, 'Dal particolarismo documentario altomedievale a nuova unità carolina'.

[6] On the slates and their documentary culture see most recently Velázquez, *Las pizarras visigodas*, or Velázquez, 'Ardesie scritte di epoca visigota'; for Worcester see references in Insley, this volume. For Lucca, substantially edited in *Memorie e documenti pe servire all'istoria della città e stato di Lucca*, ed. by Barsocchini, see Wickham, *The Mountains and the City*. The various Bavarian materials have been put to good use and are cited in Brown, *Unjust Seizure*.

[7] Thus, for example, while numerous scholars have seen comparabilities between tenth-century England and Ottonian Germany because of their numerous high-level contacts, not least Leyser, 'Die Ottenen und Wessex', the two areas' diplomatic has not really featured in this literature precisely because the two corpora show little relation to each other.

[8] For *Kanzleiwesen* compare Fianu and Guth, eds, *Écrit et pouvoir dans les chancelleries*

there are travellers across them, there are more historians who do not necessarily realise that such work on 'foreign' sources bears on their own, not just in terms of comparisons, but in terms of interpretative models that can be applied also to their own materials, and which, indeed, may raise questions about those materials that those historians genuinely need to consider.[9]

Surviving Postmodernism in Diplomatic

To a much greater extent than used to be the case, the travellers who cross these diplomatic borders now do so with a shared set of concerns, however disparate their work. This is largely because diplomatic, conceptualized here in its broadest sense, has been buffeted by the same waves as most other fields of scholarship in the wake of the critical turn, the literary turn, and a number of other corners and curves.[10] It is no longer possible to argue, as was the case not so long ago, that our documents are historical facts, variously more or less authentic but, if authentic (and in this argument absolute authenticity was possible), alike in disinterested record of their subject.[11] Now a document is better conceptualized as the machinery by which change was achieved, or even as the change itself, or else as a memory, with all the subjectivity that that word implies, of an event, which may, like those in our own cerebella, differ from participant to participant, but from which only a ragged chorus of the many original voices still speaks to us.[12] We can now envisage multiple authors of our documents,

médiévales, and Meier and Ziegler, eds, *Die Anfänge deutschsprächiger Kanzleien*. Significantly, even here, the Channel or even the Atlantic are easier to cross than the Rhine.

[9] In this light, the newer sphere of digital diplomatics can be seen as still another *Landschaft* whose language other scholars do not necessarily speak and whose applicability to their own studies they can be reluctant to examine. For a guide, see Vogeler, ed., *Digitale Diplomatik*.

[10] Similar thoughts to those presented here were already presentable some years ago, in Bates, 'Charters and Historians of Britain and Ireland', although our title's similarity to this one was accidental.

[11] See Petrucci, 'The Illusion of Authentic History', trans. by Radding, p. 237, citing Schiaparelli, *Diplomatica e storia*, p. 7: 'Documents do not narrate historical facts, they are themselves the written, historical-juridical deed [...]; they are primary historical sources'. Petrucci went on to argue that in fact documents are primary sources only for the processes of their own production (p. 239).

[12] Here see especially Geary, *Phantoms of Remembrance*, though also Geary, 'Land, Language and Memory in Europe'; other work sharing similar perspectives but deeper in the detail of individual documents includes White, *Custom, Kinship, and Gifts to Saints*, Rosenwein, *To Be The Neighbor of Saint Peter*, and Davies, *Acts of Giving*.

and not just a scribe or notary for each; we can consider the effects upon them of numerous other agencies, such as law, literature, scripture, and political and personal agendas, even ones as innocent as the desire to show off.[13] We are also alive to questions of survival, of preservation, and of use by owners subsequent to the original circumstances that gave rise to each document's production, and among these users not least we, the scholarly readers, with our own preconceptions that affect our interpretations of this material like any other.[14]

In addressing such manifold issues, we may choose to seek the sources of our documents, or of our chosen area's or areas' documentary practices, whether in Rome or in local tradition, in immediate or distant circumstance, in model texts including but not limited to formulae or, not least, in innovation. The methods and concerns here go well beyond simple questions of who copied what texts when; they aim to lay open the mechanisms of knowledge transfer in the period. This mode of enquiry can open up issues of cultural transmission and reproduction that affect all sources, with a breadth of evidence that will, if transmitted to those who work on other materials, tell them about who was broadcasting cultural models, how, and who was receiving. Beyond these lie issues of individuality versus conformity, normalizing and improvisational tendencies in cultures of law or politics, and other, attractively testable, aspects of our period's and its cultures' thought-worlds and *mentalités*.

Another set of approaches focus on questions of documentary production: again, not just what scribe in what hand with what ink, but under what stimulus, after what negotiations, using what resources, for what audience was each document produced, and how has it come to use thereafter?[15] Who copied it, if it was copied, and where and why was it stored?[16] What was it subsequently used for, and had that been intended?[17] With these kinds of questions asked across hundreds or even thousands of documents, avenues open up towards conclusions about literacy and the use of writing, ceremonies both peripheral and central, popular and official involvement in law and transactions, assem-

[13] Exemplary, in this respect at least, is Zimmermann, *Écrire et lire en Catalogne*.

[14] Geary, *Phantoms of Remembrance*.

[15] For example: McKitterick, *The Carolingians and the Written Word*, pp. 77–134; Kelly, 'Anglo-Saxon Lay Society and the Written Word'; Wood, 'Administration, Law and Culture in Merovingian Gaul'; Heidecker, ed., *Charters and the Use of the Written Word*.

[16] Geary, *Phantoms of Remembrance*; Guyotjeannin, Morelle, and Parisse, eds, *Les Cartulaires*.

[17] For example, Pitz, 'Erschleichung und Anfechtung von Herrscher'; Jarrett, 'Caliph, King, or Grandfather'.

bly politics and its venues, and changes in all these things. With all of these questions and issues in consideration, the older styles of exploitation of this material for social and economic data on a broad scale or for legal practice on a narrower one take on new depth, sophistication, and potential.

Such new concerns stretch any definition of diplomatic, even the *allgemeine Diplomatik* ('general diplomatic') called for with such prescience by Heinrich Fichtenau in the 1960s, to its limits and possibly beyond, and yet diplomatic concerns with this material still persist.[18] When, for example, we have a frame for the composition of such documents that may encompass separate phases of request, composition, redaction, publication, and copying for the archive, a simple question such as what the date on the document refers to becomes very hard to answer. If, as increasingly seems to be the case, some royal charters were issued and dated when the scribes in question were not with the king, what does this do for work to reconstruct royal itineraries based on those subscriptions?[19] If, as it now seems, papal documents were largely composed in advance of their request and about half of the ones we have were never actually signed off by the Curia's officials, what can we safely deduce from them?[20] When we have variant private copies of a transaction, apparently contemporary, can any be called more accurate than any other?[21] Do documents in Gospel books, rather than in archives or cartularies, still count as charters and if they do, why were they so differentiated?[22] Notions of authenticity, the idea of an 'original', date, structure, and genre have all been damaged or exploded by such corrosive worries, and the result is that diplomatic itself has had something of a reinvention in recent years, even if textbooks in national traditions do not reflect such concerns as yet.[23]

[18] Fichtenau, 'La situation des études de diplomatique en Autriche'. For concerns about whether the term 'diplomatic' still describes our endeavours, see Nicolaj, 'Dal particolarismo documentario altomedievale a nuova unità carolina'.

[19] For example, Christelow, 'A Moveable Feast?', p. 193, raising worries that she largely sets aside, as have others since; see Church, 'Some Aspects of the Royal Itinerary', p. 31, n. 1, citing Christelow but taking comfort in a 1940 article of Jolliffe that also dismissed such problems.

[20] Kortüm, *Zur päpstlichen Urkundensprache im frühen Mittelalter*; Jarrett, 'Archbishop Ató of Osona'.

[21] For example, *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. nos 995A, 995B, and 996, compared and discussed by Jarrett, 'Pathways of Power in Late-Carolingian Catalonia', pp. 38–48.

[22] See Hodge, this volume, but better known at the moment is Davies, 'The Latin Charter-Tradition in Western Britain, Brittany and Ireland'.

[23] Duranti, 'Reliability and Authenticity'.

All of this must affect almost the oldest way in which charters have been used by historians, that being to construct political or social history from their testimony. While this is sometimes done in a deliberate search for a ground-level perspective, it has also been done where few or no other sources exist.[24] In such areas, charters and their critique are almost or actually the only means by which to write history. Several of the contributors to this volume write from such a background, be it late Merovingian Austrasia, Anglo-Saxon Mercia or Carolingian Catalonia or Italy.[25] It is hardly surprising that the pioneers in such historiography have often also been notables in the field of diplomatic.[26] This kind of work requires incredibly careful source criticism if it is to be of use to other enquirers, for which reason the questions above about the correct critical treatment of diplomatic sources are vital to it, even if this has not always been perfectly appreciated in the past.

Charter studies have thus, even if quietly, been undergoing their own revolution. Some individual scholars and groups have made particularly significant contributions, discussed below, but the shifts have been widely felt. It is within this context that the present collection was conceived and is now offered.

Problems and Possibilities

The ultimate genesis of this book was a meeting between Allan Scott McKinley and Jonathan Jarrett at the International Medieval Congress in Leeds in July 2005; we were introduced by Charles West, whose work also appears here. Both Allan and Charles had raised issues about the authorship and narrative nature of charter materials in their papers, and Jonathan recognized kindred

[24] On such agendas, see Bisson, 'La Terre et les Hommes', and Bisson, 'Unheroed Pasts'.

[25] McKinley, Capper, Jarrett, and Screen, this volume, respectively; see also McKinley, 'Understanding the Earliest Bishops of Worcester'. Trousdale, this volume, makes a case for seeing mid-tenth-century England as a similar zone of charter history where other narrative evidence offers little help. The oldest way in which charters have been used critically by historians, however, is probably the institutional history lying behind the work of Papenbroeck and Mabillon, on which see Knowles, 'Jean Mabillon'.

[26] Work in this vein for the areas named includes Ewig, 'Die fränkischen Teilreiche im 7. Jahrhundert'; Stenton, 'The Supremacy of the Mercian Kings'; Abadal, *Els primers comtes catalans*; and Hlawitschka, *Franken, Alemannen, Bayern und Burgunder in Oberitalien*. Of these authors, Ramon d'Abadal founded the massive diplomatic publication project *Catalunya Carolíngia* (on which see Alturo, 'A Propòsit de la publicació dels diplomes de la Catalunya carolíngia') and Frank Stenton's publications included what is still the only dedicated monograph on Anglo-Saxon diplomatic, Stenton, *The Latin Charters of the Anglo-Saxon Period*.

spirits. We also thought ourselves well placed for an outside perspective on the various national charter scholarships, as Jonathan had recently changed study area from Scotland to Catalonia and Allan was then engaged in a doctoral project which deliberately compared Anglo-Saxon England and late Merovingian Francia.[27] We were thus both aware that in the scholarship of our zones problems were being addressed in one that had been dealt with long ago in another.[28] Gathering a third participant in the form of dedicated Anglo-Saxonist Martin Ryan, we organized a separate session on the theme for the Congress of 2006, which met with sufficient success and wish to participate that next year there were three sessions under the title of 'Problems and Possibilities of Early Medieval Diplomatic'. The strand eventually ran, under the organization of one, two, or all of Jarrett, McKinley, and Ryan, from 2007 to 2011, with thirty-six papers presented in total by twenty-six scholars. Of these papers we present thirteen here, along with another from the 2005 conference that shared our agenda and had, luckily for us, not yet found a publication venue.[29]

We originally envisaged a relatively tight diplomatic focus on issues of authorship, production, and uses of texts and their preservation, with the historical conclusions possible from such studies coming second to the demonstration of their possibility. Many of our speakers, however, preached to a broader church, combining the insights of new diplomatic questions with the wider questions which can be addressed through the use of charters. This book is intended, therefore, to make charter studies' and diplomatic's many possi-

[27] Respectively Jarrett, 'Pathways of Power in Late-Carolingian Catalonia', now revised as Jarrett, *Rulers and Ruled in Frontier Catalonia*, and McKinley, 'Church-Patron Relationships Amongst the Anglo-Saxons and Franks'.

[28] Compare, for example, Duranti, 'Reliability and Authenticity', to Chaplais, 'Some Early Anglo-Saxon Diplomas on Single Sheets', or Mersiowsky, 'Towards a Reappraisal of Carolingian Sovereign Charters', to Abadal, *Els primers comtes catalans*, pp. 293–302.

[29] The extra paper is Antonio Sennis, this volume. Jarrett's paper from the first session is substantially available as Jarrett, 'Pathways of Power in Late-Carolingian Catalonia', pp. 27–71; McKinley's is printed below. Of other papers presented in the sessions but not printed here, in chronological order, Alice Rio's paper went towards Rio, *Legal Practice and the Written Word*, and Bernhard Zeller's towards Zeller, 'Urkunden und Urkundenschreiber des Klosters St Gallen'. Levi Roach presented work that is closely related to Roach, 'Public Rites and Public Wrongs'; a revised version of Nicholas Brooks's paper has very recently emerged as Brooks, 'The Archbishopric of Canterbury and the So-Called Introduction of Knight Service'; and some of the work that Wendy Davies presented in these sessions is now due to emerge as Davies, 'Local Priests and the Writing of Charters in Northern Iberia'. In addition, one of Jonathan Jarrett's other papers from the sessions is now available as Jarrett, 'Caliph, King, or Grandfather'.

bilities, and some of their problems, into interesting and productive reading for early medieval historians at large. It reflects the new breadth of the discipline discussed above, but it also exploits these new critical modes and technologies of study. Since charter studies can now embrace so much more than the traditional *veri ac falsi discrimen*, our aim is not merely to address these new questions, but also to include work which develops their wider implications. In the process it is hoped that the volume will contribute to the continued dissemination of these new insights and methods and the demonstration of their significance beyond the narrow group of scholars to whom they are already familiar.

The book exemplifies and unites two trends. The first of these is the growing international collaboration between charter scholars that has been engendered especially by the École des Chartes in Paris and the École Française de Rome, with the Österreichische Akademie der Wissenschaften now adding its voices through the exemplary St.-Gall-Project and the continuation of *Chartae Latinae Antiquiores*. These meetings of minds enable comparison of material and scholarships in such a way as to begin to link the *Arbeitslandschaften* as well as the *Urkundenlandschaften*.[30] We thus present here participants born in eight different countries, now working in five, all of whom have been able to see and discuss each other's material and reflect on it during our work for this volume. The second trend, at least equally necessary, is the exploitation of such scholarship and materials to bring new historical findings of charter scholarship out to non-diplomatists. We have placed particular emphasis on wider comparisons, with the aim both to add discursive depth to each chapter's findings, but also to break down some of the historiographical boundaries noted above. In these respects, our loose and international collaboration aims to add to the kind of literature produced by, for example, the British 'Bucknell Group', scholars who have cleared the path for work of this kind.[31] The end result is, we hope, char-

[30] From the two Écoles, Guyotjeannin, Morelle, and Parisse, eds, *Les Cartulaires*; Guyotjeannin, Morelle, and Parisse, eds, 'Pratiques de l'écrit documentaire'; Bougard, ed., 'Les transferts patrimoniaux en Europe occidentale'; Bougard, Feller, and Le Jan, eds, *Dots et douaires*, and Bougard, La Rocca, and Le Jan, eds, *Sauver son âme et se perpétuer*. Several of these volumes share some participants, and some of those also occur in Kosto and Winroth, eds, *Charters, Cartularies and Archives*. The Österreichische Akademie der Wissenschaften's similar work began with Erhart, Heidecker, and Zeller, eds, *Privaturkunden der Karolingerzeit*. Flanagan and Green, eds, *Charters and Charter Scholarship in Britain and Ireland* represents a nationally concerned instance of this sort of parallel-but-not-harmonized work.

[31] The Bucknell Group: Davies and Fouracre, eds, *The Settlement of Disputes in Early Medieval Europe*; Davies and Fouracre, eds, *Property and Power in the Early Middle Ages*; and now Davies and Fouracre, eds, *The Languages of Gift in the Early Middle Ages*. Heidecker, ed.,

ter history that historians can use, although it is also history that may interest diplomatists and even cause them to look again at their own material.

The essays in this volume move through the life cycle of the charter. We begin with the societies that generated charters (Ryan, McKinley, Niblaeus); we move on to the sources of the documents (though this is not distinct, as both West and Jarrett use these sources to illuminate the social circumstances of production); then we look at archiving and preservation or their opposites (Hodge, Sennis, Insley). The second part of the volume shows the other side of our coin by moving more distinctly into the historical, not diplomatic, arena, although we do not recognize a boundary between the two. These essays show historians using charters, the first four concentrating on royal politics (Screen, Capper, Kikuchi, Trousdale). Lastly we have a chapter that explores the problems and possibilities of specifically digital work (Hofmann), although it also addresses questions of generation of records and of gender and could be placed in any other section almost as easily.

Despite the diversity of our foci, some themes can be found repeating through the chapters that follow. Loudest of all shouts the message that, even though early medieval charters owed the form they took and the impetus to their generation to legal and political norms, they were continually deformed, customized, improved and repurposed according to the priorities of those who used them, and in the cases of copies, kept them. Martin Ryan here argues that the reason historians of Anglo-Saxon England have had such trouble conceptualizing Old English land tenure is because of exactly this individual variation; Allan Scott McKinley finds it in the way that families prioritized their interactions with the monastery of Wissembourg, Charles West in the choice of a layman rather than an ecclesiastic for the writing of some charters in one Burgundian village, Antonio Sennis in the predicaments that led people to destroy rather than keep charters, Morn Capper in the ways that those on the edge of Mercian dominion struggled to conceptualize that over-rule, Elina Screen in the choices of patronage in Carolingian Italy, Alaric Trousdale in the dealings of King Edmund of England's courtiers, and Julie Hofmann in the appearances of female donors at Carolingian Fulda. Two particular areas of individuality emerge especially strongly, personal relations with the Church

Charters and the Use of the Written Word continues these trends within its specific theme of literacy and writing; one might also mention relevant studies in Mostert and Barnwell, eds, *Medieval Legal Process*; Davies, Halsall, and Reynolds, eds, *People and Space in the Middle Ages*; and Escalona and Reynolds, eds, *Scale and Scale Change in the Early Middle Ages*, where encouragingly they rub shoulders with several other disciplines including archaeology.

and religion[32] and the importance of the initiative of scribes, not as so often imagined bound by the strictures of formulae but free and ready to innovate, in the formation of our evidence.[33] These concerns make misconceptions about the way that this evidence should be theorized dangerous,[34] especially in areas of study where charters are in effect the only textual evidence there is.[35]

Such problems do not, however, forbid the use of charter evidence to tackle questions about the rules and laws that were in mind, if not in clear operation, when charters were made, stored, destroyed, or returned to public view. Easiest here to see, because of its preserving so much of the evidence, is the Church's role in governing the use of documents and their storage.[36] The chapters of Ryan, Niblaeus, Hofmann, and especially Sennis, however, also show us early medieval law in action, in terms of practice rather than of ideal but all the more valuable for that. We also see aspects of rulers' attempts to use such documents to influence practice and perception among the documents' audiences, in Niblaeus's study of Christianizing royalty in Sweden, Sennis's examination of the ways in which documentary destruction was considered legitimate or illegitimate, and Capper's, Screen's, and Trousdale's studies of royal power.

We also find emerging issues of range, scale, and regionality,[37] demonstrating the worth of the comparative approaches and the crossing of diplomatic and historiographical borders encouraged above. Niblaeus and the present author especially make studies of whole *Urkundenlandschaften*, but the question of how a region relates to a wider whole is taken up by several of us, as part of the way that local individuality affects our wider syntheses, or more directly in the case of West's microcosmic attack on the so-called *mutation documentaire* and Capper's emphasis of regional identity in the Mercian hegemony, as well as inversely in Screen's study of how the presence of a Carolingian ruler in it turned Italy from periphery to core while he remained there. At the other end of the scale, several of us are engaged in very large-scale evaluations, with the present author, Hodge, and Sennis all dealing with material from across the

[32] McKinley, Niblaeus, and Hofmann, all in this volume.

[33] West, Hodge, Capper, and here also Jarrett, all below in this volume, the last showing that such variation can still be quantitatively assessed to a more global purpose.

[34] Here attacked by McKinley and Hodge most notably.

[35] A concern for the chapters here by Jarrett, Capper, and Screen especially.

[36] Ryan, West, Sennis, Hofmann, and here also Insley, all in this volume.

[37] Such issues now keenly conceptualised by Escalona, 'The Early Middle Ages: A Scale-Based Approach', although this was obviously not available to us when we first wrote these chapters.

regna francorum and beyond, in Hodge's case very far beyond, from Ireland to the Crimea via England and Germany. The two chapters that enter the digital province, meanwhile, the present author's and Hofmann's, manage to weight both ends of this scale by using new technologies to exploit dense local samples in otherwise-impossible detail.

This volume thus answers its own call for informed and co-operative study of diplomatic evidence by offering local and international studies ranging from the importance of one scribe (West) to a documentary phenomenon that can be tracked over thousands of miles and hundreds of years (Hodge), covering royalty, the Church, and otherwise unrecorded laity, accessing the historiography of many languages and introducing it to its unsuspected neighbours. The eclectic selection of papers is therefore part of the point; all of these studies can inform, and have informed, several or all of the others. This justifies the hope that readers of this volume will come to it because of something they need to read for their own purposes, but discover before putting it back on the shelf that there are other things that interest them which will also help them think over their material and its uses. We also hope, therefore, that even if some of the possibilities we present cause problems, the problems will also be possibilities.

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'Charters in Plenty, If Only they Were Good for Anything': The Problem of Bookland and Folkland in Pre-Viking England

Martin J. Ryan*

Introduction

> Furthermore, we have declared what [penalty] he is liable to, who withholds from another his rights either in 'bookland' or 'folkland'.[1]

Few passages have stimulated as much debate and, at times, controversy in Anglo-Saxon scholarship as the above clause from the law code of King Edward the Elder (d. 924).[2] It is one of the rare instances where an Anglo-Saxon law

* The title is adapted from a writ of King Cnut to Archbishop Lyfing of Canterbury, see *Anglo-Saxon Writs*, ed. and trans. by Harmer, pp. 181–82. The document itself is discussed by Arkady Hodge, this volume.

[1] *I Edward* 1, in *The Laws of the Earliest English Kings*, ed. and trans. by Attenborough, pp. 116–17 where the Old English is also given: 'Eac we cwædon, hwæs se wyrðe wære þe oðrum ryhtes wyrnde aðor oððe on boclonde oððe on folclande'.

[2] The literature on the bookland-folkland debate is vast. Notable milestones include Vinogradoff, 'Folkland'; Jolliffe, 'English Book-Right'; John, *Land Tenure in Early England*; Wormald, *Bede and the Conversion of England*, particularly pp. 19–23; Wormald, '*On Þa Wæpnedhealfe*'; and Baxter and Blair, 'Land Tenure and Royal Patronage in the Early English Kingdom'. For a sample of the controversy see Whitelock, 'Review: E. John, *Land Tenure in Early England*', and the responses John, 'Letter to the Editor', and Whitelock, 'Letter to the Editor'.

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code alludes to the operation of land tenure, and its division of such tenure into two categories, bookland and folkland, has informed nearly all scholarly studies. There has been a near-universal acceptance that bookland represents a form of tenure introduced into Anglo-Saxon England to meet the needs of the Church, gaining its name from the charter or book that recorded such a grant.[3] Though designed initially to provide the secure and permanent tenure required by religious institutions, by the eighth century bookland tenure had been extended to members of the laity.[4] If nearly all scholars have accepted this basic outline, nevertheless the precise rights and obligations granted by charter remain much disputed. Most scholars would accept that freedom of alienation was a key aspect of bookland tenure but consensus has been lacking on issues concerning freedom from royal taxation and tribute or exemption from military service.[5] Defining folkland has proved equally problematic, with disagreement on a range of issues such as whether it was heritable, whether it could be owned outright, or whether the holders of folkland were obliged to perform military service for the king. The difficulties these two terms present to scholars are formidable — Patrick Wormald rightly noted that bookland remains 'one of the most fearsome devices on the Anglo-Saxonist's workbench' — and it remains unclear whether the surviving sources are such as to permit any definitive conclusions.[6] The aims of this paper are, at any rate, considerably more modest. It sets out less to offer possible or provisional solutions and more to suggest why debates have been so long-running and answers so elusive, drawing on evidence predominantly from the pre-Viking period, that is, up to the early ninth century. It begins by examining definitions of folkland, stressing the need to formulate models that allow for development, dynamism, and change, before moving on to explore what light the charter record can shed on the nature of bookland, emphasizing the difficulty of using such sources to arrive at an understanding of Anglo-Saxon land tenure.

[3] For a dissenting voice see Turner, 'Bookland and Folkland', and witness the description, only partially tongue-in-cheek, of Turner as a 'heretic' and his views a 'heresy' in Plucknett, 'Revisions in Economic History', p. 67.

[4] Stenton, *The Latin Charters of the Anglo-Saxon Period*, pp. 59–61, and John, *Land Tenure in Early England*, p. 40.

[5] Despite this initial freedom of alienation, as Wormald demonstrated by the time of King Alfred the Great some bookland was, effectively, entailed: Wormald, '*On Þa Wæpnedhealfe*'.

[6] Wormald, '*On Þa Wæpnedhealfe*', pp. 264–65.

Folkland

The scholarly attention that has been paid to folkland is in many ways at odds with the number of times the word occurs in the corpus of Anglo-Saxon writings: it appears in only five texts, all dating from the late ninth to tenth centuries.[7] For most of the nineteenth century, folkland was assumed by scholars to be communal land, literally the land of the folk. Lifetime grants could be made from it but, at least initially, lands so granted could not be alienated permanently.[8] Alongside folkland in the pre-Christian period there had been family land, the alod or *eðel*, which was hereditary but could never pass beyond the kindred.[9] The introduction of Christianity brought a new form of tenure, bookland, and for the first time land could be permanently alienated from the folkland.[10] In 1893, Paul Vinogradoff challenged this nineteenth-century consensus. As he saw it, the problem with the solutions of scholars such as John Allen or John Mitchell Kemble was that they required a third category of landholding — family land — where Edward the Elder's law code made it clear that there were only two: bookland and folkland.[11] To account for this it had to be assumed that the primitive family land had all become bookland by the tenth century, which Vinogradoff considered unlikely.[12] Instead, he argued that folkland itself was the primitive family land and was thus called not because it was the land of the folk but because 'folkland is land that is held by folkright' and is subject to the traditional dues and obligations from which bookland is freed.[13] Vinogradoff's position quickly became scholarly orthodoxy and, though a

[7] Baxter and Blair, 'Land Tenure and Royal Patronage in the Early English Kingdom', pp. 21–22. The dating of *The Wife's Lament* is problematic but the sole manuscript witness, the *Exeter Book*, dates to the second half of the tenth century.

[8] See, for example, Allen, *Inquiry into the Rise and Growth of the Royal Prerogative in England*, pp. 142–43 and 155–56, or Kemble, *The Saxons in England*, I, 46, 289.

[9] Kemble, *The Saxons in England*, I, 118, 289.

[10] Kemble, *The Saxons in England*, I, 301–05, or Allen, *Inquiry into the Rise and Growth of the Royal Prerogative in England*, pp. 142–44.

[11] Such a division is confirmed by the short text, now known as *Ymb Æwbricas*, ed. by Robin Flower, p. 62.

[12] Vinogradoff, 'Folkland', pp. 7–8. For the conversion of all family land into bookland see Kemble, *The Saxons in England*, I, 306.

[13] Vinogradoff, 'Folkland', pp. 9–11. As Kennedy notes, Vinogradoff was in many respects restating theories held by scholars before the nineteenth century; see Kennedy, 'Disputes about *Bocland*', p. 176, n. 3.

number of authors attempted to modify or challenge his position, his views on folkland have remained dominant for over a century.[14]

The dominance of Vinogradoff's model and the centrality of folkland to discussions of Anglo-Saxon land tenure are at first sight surprising. As Susan Reynolds saw, such discussions have tended to assume that terms such as folkland 'represent consistent categories of property rights' and, having decided that such stable categories exist, they then interpolate 'the words into centuries and contexts where they are not found'.[15] The appeal of folkland for nineteenth and early twentieth-century scholars must also be that it seems to speak of the primitive and purely Germanic — the folk — and to suggest something of the quasi-egalitarian society then thought to characterize early Anglo-Saxon England.[16] Folkland was taken to be a window on the pre-Christian, and so essentially Germanic, Anglo-Saxon society and so was projected back from the ninth century, when it first appears in the sources, into the early Anglo-Saxon period. Thus it became, effectively, scholarly shorthand for the earliest and original form of Anglo-Saxon land tenure.[17] Nor was it just that folkland was projected back into the migration period: the existence of folkland, as defined by Vinogradoff, was explained by the situation presumed to exist at the time of the Anglo-Saxon settlement. Although Vinogradoff himself allowed for some continuity between Roman Britain and Anglo-Saxon England, he drew on discussions of family land that were predominantly Germanist in their outlook, and his model could be easily subsumed within a Germanist framework. The family land that Vinogradoff labelled folkland was a product of the Anglo-Saxon migration, deriving from the lands originally allotted after the English conquest of lowland Britain.[18] Folkland was thus part of the new broom of the Anglo-Saxon settlement, replacing all existing structures with a new Germanic system. Few if any scholars would now accept such a vision of the events of the fifth century. Wherever individual authors may stand on the thorny question

[14] For scholarly orthodoxy see Jolliffe or Plucknett, and for more recent comment see Kennedy, 'Disputes about *Bocland*', pp. 176–77. For challenges see Turner, 'Bookland and Folkland'; John, *Land Tenure in Early England*, pp. 39–63; and Vollrath-Reichelt, *Königsgedanke und Königtum*, pp. 204–21.

[15] Reynolds, 'Bookland, Folkland, and Fiefs', p. 215.

[16] On nineteenth-century Germanism see, for example, Anderson, 'The Political Uses of History in Mid Nineteenth-Century England', pp. 99–100, or Oergel, 'The Redeeming Teuton'.

[17] According to Allen, *Inquiry into the Rise and Growth of the Royal Prerogative in England*, even the family lands had originally been carved out of the folkland, pp. 155–56.

[18] Vinogradoff, 'Folkland', p. 3, and Jolliffe, 'English Book-Right', pp. 1–2.

of numbers, the Anglo-Saxon settlement is no longer seen as a conquest followed by the reorganization of a newly emptied landscape.[19] Folkland, as it was conceived by Vinogradoff, seems to have been rendered untenable by changing appreciations of fifth-century Britain.

If Vinogradoff's understanding of the form of tenure designated folkland ought now to be rejected, the notion of folkland as the original, primitive manifestation of Anglo-Saxon land tenure — whatever form this tenure took — is likewise best abandoned. As Stephen Baxter has recently argued, folkland might be better understood simply as a term that encompassed all forms of land tenure that were not bookland.[20] The appeal of such a suggestion is twofold. Firstly, it explains why the term first occurs only in the ninth century — far from being an ancient form of land tenure, folkland is a category that would make sense only after the introduction of bookland tenure. Secondly, it allows folkland to encompass a variety of forms of tenure, thus emphasizing the dynamism and mutability of Anglo-Saxon landholding. As work by Julie Mumby has underlined, the customary laws and traditions of a society, such as those thought to underlie folkland, are far from immutable or universal, they are more often local and flexible, subject to change and to alteration.[21]

Scholars who have presented folkland as the earliest form of landholding have tended, consciously or unconsciously, to present Anglo-Saxon land tenure as unchanging until the arrival of Christianity and the introduction of bookland. The absence of written sources for the pre-Christian period makes demonstrating changes in land tenure difficult, but the increasingly vibrant — dare one say, productive — Early and Middle Saxon settlement archaeology, coupled with advances in landscape history, suggest fundamental changes were taking place in the nature of Anglo-Saxon settlements and in the exploitation of landed resources in the sixth to eighth centuries.[22] Though such changes gathered pace with the coming of Christianity, some at least of them were already underway at the beginning of the conversion period. Indeed, the reorganization of settlements and the wider landscape to facilitate intensification in the generation and collection of agricultural surplus may have been a necessary

[19] For a sample of views see the essays in Higham, ed., *Britons in Anglo-Saxon England*.

[20] Baxter and Blair, 'Land Tenure and Royal Patronage in the Early English Kingdom', pp. 20–23.

[21] Mumby, 'The Descent of Family Land', pp. 400–01.

[22] For useful summaries see Moreland, 'The Significance of Production', and Rippon, 'Landscape Change in the "Long Eighth Century"'.

precondition for the successful establishment of the institutional Church. Thus far it has perhaps been insufficiently appreciated the extent to which bookland tenure, far from being introduced into a static landscape, emerged in a context of changing and dynamic systems of landholding and exploitation — whether or not we label such systems folkland.

Charters and Bookland

Given the absence of direct references to land tenure in the law codes of pre-Viking England, studies of bookland in this period have tended to focus on narrative sources and, above all, the charter record. For the period to *c*. 800 there survive, if not 'charters in plenty', then at least a decent amount: around two hundred and fifty, though this figure includes a not insignificant number of forgeries and interpolated documents.[23] Nevertheless, the difficulties in using charters to understand bookland tenure remain considerable. Key amongst these is the nature of the documents themselves. Compared to Continental diplomatic practices, Anglo-Saxon charters look anomalous. They are effectively in the form of a late Roman private deed — albeit usually with the addition of an *arenga* and a *sanctio* that set out spiritual punishments — yet they must be recording the granting away of royal rights over land.[24] Moreover, Anglo-Saxon charters lack any external marks of authentication or validation and the attestations of donors and witnesses, despite formulae to the contrary, are almost without exception in the hand of the scribe.[25] In Eric John's pithy formulation, 'English charters say what they do not mean'.[26]

Beyond these specific issues, Anglo-Saxon scholars face the problems common to all charter scholars: how to understand and interpret the formulaic language of the documents. What relationship do the formulae of the charters have to the situation on the ground, are they passive reflections of existing legal, tenurial, and social structures, actively constitutive of such structures or

[23] For a suggestion of the extent of forgeries, see Kelly, 'Anglo-Saxon Lay Society and the Written Word', p. 40.

[24] Scharer, *Die angelsächsische Königsurkunde*, p. 24.

[25] Brooks, 'Anglo-Saxon Charters: The Work of the Last Twenty Years', p. 212, and Kelly, 'Anglo-Saxon Lay Society and the Written Word', pp. 42. For possible autograph crosses in pre-Viking charters see, for example, S 23 or S 31, for the later period see S 876.

[26] John, *Land Tenure in Early England*, p. 2. John was here referring to arguments that Anglo-Saxon charters depended upon models that were conveyances, something he demonstrated not to be the case: p. 3.

divorced entirely from them and preserved only because of notarial conservatism or inability? When the drafters of charters break away from formulae to provide unusual or distinctive detail, do such details provide insight into general principles, left implicit in other documents, or relate simply to the specifics or surrounding circumstances of that particular transaction? Ultimately, what was the purpose and function of placing the transference of land and privileges under formulaic description?

For all their importance to understanding Anglo-Saxon land tenure, such questions admit no easy solutions and the evidence can be apparently contradictory. Despite the peculiarities of the diplomatic of Anglo-Saxon charters outlined above, inherited formulae were not always blindly or slavishly followed. The draftsmen of certain charters were sensitive to specific local circumstances or particularities and selected or adapted their formulae to reflect these. Thus land grants in Kent were normally measured in ploughlands — *aratra* — reflecting the use in that kingdom of the land unit the *sulung* rather than the hide that was used elsewhere in Anglo-Saxon England. Similarly appurtenance clauses could include references to specific rights and resources being granted, such as the right to gather firewood in royal forests or woodlands, as well as the more normal formulaic lists of appurtenances.[27] Yet, conversely, the formulae of some charters did, apparently, ignore or ride roughshod over local circumstances. Thus some Kentish charters do measure land grants in hides rather than *sulungs*, and appurtenance clauses can at times be ill-suited to the natural resources of the estate being granted.[28] Furthermore, it is not always clear why particular formulae were included or omitted from charters. As Nicholas Brooks demonstrated, formulae reserving the common burdens — that is, clauses specifying that estates owe bridge-work, fortress-work, and military service — occur seemingly at random in late eighth and early ninth-century charters, despite such burdens falling on all estates.[29] It clearly mattered little to donors and recipients whether such formulae were included in charters or not.

The Anglo-Saxon charters suggest a peculiar situation in which formulae both mattered and reflected the local situation and did not matter and did not

[27] For example, S 28 and S 123.

[28] For hides and *sulungs* in Kentish charters see the perceptive discussion in *Charters of St Augustine's Abbey Canterbury and Minster-in-Thanet*, ed. by Kelly, pp. lxxviii–lxxix. For inappropriate appurtenance clauses see, for example, S 43 (including mountains in the resources of estates in Sussex).

[29] Brooks, 'The Development of Military Obligations in Eighth- and Ninth-Century England', pp. 73–74.

reflect the local situation. Part of the reason for this may lie with the ultimate purpose of the formulae and their inherent limitations. As Charles West argues below, the formulaic nature of charters was a necessary concomitant of the transactions they recorded. Complex networks of rights, obligations, and relationships needed to be bundled up and abstracted in such a way that they could be meaningfully transferred from donor to recipient or from seller to buyer.[30] Formulae were a means, necessarily imperfect, of describing that which potentially resisted or overwhelmed simple description.

Such seems to have been understood, at least on some level, by the draftsmen of certain early Anglo-Saxon charters. When King Hlothere of Kent granted land to Abbot Beorhtwald of Reculver in 679, the charter recorded that 'as it has been owned up to now [...] in the same way we confer it [i.e. the estate] to you and your monastery'.[31] The boundaries of the estate were likewise not listed in the charter and were described simply as being well-known and having been indicated by Hlothere and his officials.[32] The author of the charter effectively refused to place the transaction under a formulaic, and thus ultimately simplifying and universalizing, description. Local — and unwritten — knowledge could be assumed and was in this case given precedence over an attempt at written definition. The formulae of charters could be imperfect, imprecise, or incomplete because the nature of land tenure was determined not by the specific phrasing of texts but by the wider contexts in which these texts operated. Hlothere's charter for Reculver made explicit what was left implicit in most other charters.

Yet charters did not simply reflect this wider context, they were a means through which it could be shaped and refashioned. As has been increasingly recognized over the past generation, the statements embodied in early medieval charters are often not so much neutral, disinterested records as claims.[33] Such force as these claims had was derived less from an abstract system of property law and more from a particular set of relationships. A specific example is offered by a charter from the archive of Rochester. When he died in 725,

[30] Charles West, this volume.

[31] S 8: 'sicuti nunc usque possessa est [...] eodem modo tibi tuo que monasterio conferimus'. For similar statements see, for example, S 7: 'in ipsa quantitate sicut antiquitus predecessores mei reges predicta libere tenuerunt'.

[32] Similarly described boundaries can be found in a number of other charters, for discussion see *Charters of St Augustine's Abbey Canterbury and Minster-in-Thanet*, ed. by Kelly, pp. lxxix–xxx.

[33] Foot, 'Reading Anglo-Saxon Charters'. More generally see Jonathan Jarrett, this volume, above.

the long-reigning King Wihtred of Kent left behind three sons, Æthelberht, Eadberht, and Alric.[34] Nothing more is known of Alric but between 725 and 748, Æthelberht and Eadberht both exercised royal authority in Kent.[35] The precise nature of their relationship is unclear but it was, at least at times, antagonistic. Around the year 738, Eadberht, styled in the charter 'king of the people of Kent' ('rex Cantuariorum'), made a grant of ten *sulungs* to Bishop Ealdwulf of Rochester and his cathedral.[36] The charter includes an endorsement in which Ealdwulf states 'at first I was wholly ignorant that this charter ought to be confirmed by the church of Canterbury and the king' and that subsequently, when he realized that it should be, he sought the confirmation of King Æthelberht II and Archbishop Nothhelm in Canterbury.[37]

John Jolliffe took this peculiar chain of events to be evidence that 'the Crown not the individual ruler' made grants of bookland and 'when kings are ruling jointly the word of both is necessary'.[38] Yet if this were the case, it is difficult to understand why Bishop Ealdwulf would not have known this, nor would it explain why the confirmation of the archbishop of Canterbury was deemed necessary. Likewise, in no other charter of Eadberht or Æthelberht in this period is the consent or attestation of the other noted.[39] One solution would be that the charter is actually evidence for competing claims to royal authority and power. The right or otherwise of Eadberht to make grants of bookland was not decided by any legal principle, at least in the modern sense, but by the power he was able to wield and his relationship with others. Ealdwulf's endorsement suggests Eadberht was not able to make good on his claim.[40]

This example might seem to be atypical, to be representative of a moment in which the system broke down rather than to reflect the ordinary operations of land tenure or the normal nature of the charter record. Yet even the most

[34] Bede, *Ecclesiastical History of the English People*, ed. and trans. by Colgrave and Mynors, p. 556.

[35] *Charters of St Augustine's Abbey Canterbury and Minster-in-Thanet*, ed. by Kelly, pp. 198–200.

[36] S 27.

[37] 'In primis penitus ignoraui quod a Dorouernensis ęcclesię pręsuli et rege hac kartula confirmata esse debuisset'.

[38] Jolliffe, 'English Book-Right', p. 7.

[39] Eadberht, S 26 (727); Æthelberht, S 23 (732), S 24 (741). Eadberht does attest Æthelberht's charter of 724 (S 1180) but this was before the death of their father and Æthelberht makes the grant as 'filius gloriosi regis Wihtredi'.

[40] Ward, 'The Life and Records of Eadberht', pp. 20–21.

fundamental aspect of bookland tenure — freedom of alienation — proves more complex than the simple texts of the charters might suggest. Though the formulae employed vary, the key point stressed in the charters was that the beneficiary was to be free to leave the land to whomsoever they wished.[41] Despite this insistence, where regrants of land are recorded they are frequently said to have been made with the consent of the king or bishop. A charter preserved in the Selsey archive records a series of transactions over the course of fifty years or so involving land at Peppering near the River Arun in what is now West Sussex.[42] The land of four *tributarii* was initially given by King Nunna of the South Saxons to a servant of God named Berhfrith, probably for the construction of a monastery. Berhfrith then made himself and the land over to Eolla, later bishop of the South Saxons, presumably joining his religious community on Selsey.[43] Eolla then sold the land to a certain Wulfhere, with the consent of King Nunna. The land then passed to Beoba, he states he received it from his 'propinqui', with the consent of King Nunna and Bishop Eolla. Beoba then gave the land to Beorra and Ecca, with King Æthelberht and Bishop Sigfrith consenting to the transaction. Subsequently the land was purchased by King Osmund of the South Saxons from his retainer Erra, with the consent of his (unnamed) bishop and then given by Osmund, along with another estate, to a servant of God named Tidburh. The charter thus preserves a complex series of transactions and though not all the transferences of land can be traced — there is no indication, for example, of how Erra acquired the land — it is noteworthy that the consent of kings, bishops, or both is consistently and repeatedly noted.[44] Even King Osmund sought the consent of his bishop before purchasing the land from his *comes* Erra. Other charters present similar stories, though few are as complex as the history of the land at Peppering.[45] What seems clear is that whatever the terms of the charter, the rights of landholders to freely dispose of their property were tied up with wider considerations and were inevitably the subject of negotiation and compromise.

[41] John, *Land Tenure in Early England*, pp. 4–9 and Wormald, *Bede and the Conversion of England*, pp. 20–23.

[42] S 44.

[43] For Eolla see *Charters of Selsey*, ed. by Kelly, p. lxxxix.

[44] *Charters of Selsey*, ed. by Kelly, p. 34, has suggested that Erra may be a scribal error for Ecca or perhaps a conflation of Beorra and Ecca.

[45] For example, S 46 or S 1187.

Conclusions

What these discussions have attempted to show is that some at least of the problems scholars have faced in defining precisely how bookland or folkland functioned actually reflect something of the situation in Anglo-Saxon England. The rights and obligations enshrined in charters operated as part of a wider system — written and unwritten — of practices and norms, conditioned by particular familial, social, and political relationships. Any or all of these elements had the potential to influence the terms on which land could be held. In this sense, no charter could hope to encompass the totality of the transaction it recorded. Instead, charters by necessity placed under formulaic and standardized description particular and localized relationships. Charter formulae could at times be modified to account better for local circumstances, as with the use of *sulungs* in Kentish charters, but similarly local circumstances at times could be ignored, as with the use of hides in Kentish charters. Likewise, the inclusion or omission of particular formulae seems in certain cases to have been arbitrary, as with the presence or absence of clauses reserving the common burdens. Such was possible because the broader legal discourse of which charters were a part could be assumed and left implicit by their draftsmen.

It is also clear that rights over land always will have been the product of negotiations, often at a very local level, and lands subject to competing and conflicting claims on their resources. Indeed, Susan Reynolds has argued, 'the terms on which any particular estate was held must often have been uncertain'.[46] Charters were both an attempt to document the transference of particular claims on landed resources and a means through which such claims could be made and negotiated. It is also worth stressing that written documents did not necessarily have primacy in such processes of negotiation. Despite their centrality to modern historical studies, charters were only one resource amongst many that could be drawn on. A generation ago, Patrick Wormald rightly emphasized the importance of written documents in Anglo-Saxon dispute settlement, challenging earlier models that championed the primacy of oaths and formulaic oral testimony.[47] Yet if charters did play a greater part in dispute settlement than had previously been allowed for, their use as evidence was not straightforward. In certain cases it was not so much a charter's evidence was instru-

[46] Reynolds, 'Bookland, Folkland, and Fiefs', p. 214. For similar discussion in a Continental context see White, *Custom, Kinship, and Gifts to Saints*, pp. 142–49.

[47] Wormald, 'Charters, Law and the Settlement of Disputes'.

mental in the process of adjudication but rather that the process of adjudication decided which texts would be accepted as evidence, much as the process of adjudication decided which party would be permitted to swear an oath or, indeed, whether oaths ought to be sworn at all.[48] The evidentiary value of a text, its legal standing, was constructed through the process of dispute settlement. It was not embedded in the text itself.

[48] For example, S 1256, 'reprobantibus autem alia scriptura que sunt edita de hac terra', the plural indicating more texts than the original charter of donation to Abbot Bectun are intended. A number of replacement charters also make reference to the existence of other, potentially contradictory, charters: for example, S 361. For charters as privileging only one particular version of events see Foot. For the taking of oaths see, for example, S 1454.

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Strategies of Alienating Land to the Church in Eighth-Century Alsace

Allan Scott McKinley

There are ways in which an early medieval charter of donation or sale is a particularly unusual historical document of the period. Unlike almost any other contemporaneous historical source, charters reflect particular decisions made by named donors or vendors, to transfer control of property in a way that was recorded. In effect, therefore, charters are records of decisions made by early medieval individuals, who are often otherwise unrecorded. These decisions may not have been made willingly, and may well have been shaped by social pressures and competing claims, but it cannot be doubted that each unique record of a transaction still reflects a conscious decision on the part of the grantors to make that particular transaction. This is not to say that a charter is an accurate record of the grantor's motivation and thoughts, but it is a record that must, to some degree, reflect what the grantor sought to achieve and how the grantor wanted their gift, and themselves, presented.[1]

[1] It should be noted that where records of grants are clearly drawn up by the recipient (or other agency) without reference to the grantor, as in the case of *notitiae* recording donations in tenth- and eleventh-century Germany, these do not display the range of formulas favoured by charters, even those composed by the same scribe, which strongly suggests that there must be a variable that provides a reason for the selection of different formulas in the production of a charter. This variable is most likely to be the requirements of the grantor, and this chapter will therefore assume that the grantor of a charter was involved in the production of that charter, at least to a level where the choice of wording, when compared to other charters, is significant in assessing the grantor's motivation. A classic discussion of these and other issues is McKitterick, *The Carolingians and the Written Word*, pp. 77–134.

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This is hardly a radical point; but it is a point that is rarely stated, let alone exploited. Despite the fact that there is a huge corpus of evidence of individuals making these decisions to dispose of property, there has been little interest in considering whether we can actually make sense of these decisions and contextualize the actions of individual grantors, and perhaps their families, except in pursuit of a larger thesis in which the specific individuals have a role.[2] In an attempt to rectify this relative omission, this chapter will sketch the strategies that can be reconstructed behind two sets of grants to the church of Wissembourg in the eighth century, arguing that by reading the charters and setting them in what limited context we have available we can reach some level of understanding about the strategies that caused early medieval individuals to dispose of property.[3]

Difference between Grantors

It should be admitted at the outset that the strategies of many grantors are almost impossible to reconstruct beyond the motivation stated in the charters themselves. A minimal level of context is required, be this references in other historical sources or, as will be the case in this study, other charters. Fortunately, the Wissembourg cartulary preserves several series of records showing members of families making successions of gifts, which can therefore be contextualized against each other. The first of these to be studied here starts at some point in the twelve months before November 766, during which a pair of brothers, Gerbald and Richbald, made a gift of outlying lands in two nearby settlements to the monastery of Wissembourg, now in northern Alsace, but at the time technically just in the area to the north, the Speyergau.[4] The stated purpose

[2] Perhaps best exemplified (and most effectively stated) by Innes, *State and Society in the Early Middle Ages*, pp. 51–67. See also Bougard, ed., 'Les transferts patrimoniaux en Europe occidentale', for a variety of investigations along these lines.

[3] This is not a consideration of why the charters were recorded, as there is no automatic reason to assume that all decisions to dispose of property would be recorded in charters, and charters could (and are generally assumed to have been) products of the beneficiary of a transfer of property. This obviously means that any record of disposals of property by an individual or family may be incomplete.

[4] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 66. In both cases the lands were specified to be in the *marcae* of the settlements, that is, outside the core settlement of the *uilla*. It should be noted that the identity of the scribes of Wissembourg charters discussed in this chapter are known, insofar as their names are recorded, but their connections to Wissembourg

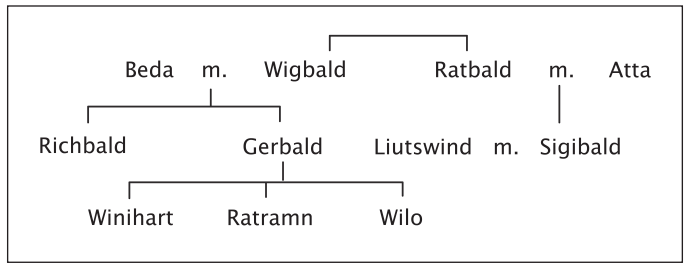


Figure 1. Attested and probable family relationships amongst the bald family from the Wissembourg charters. Drawn by Jonathan Jarrett from an original by Allan Scott McKinley.

of this gift was to commemorate the souls of their parents, the (presumably) deceased Wigbald and Beda. About seven years later, a man called Sigibald, probably but not certainly a first cousin of Gerbald and Richbald, considering the similarity of family names (see Figure 1) and spheres of property holding, also made a gift to Wissembourg in memory of his parents, Ratbald and Atta.[5] As a statement of fact this summary is not particularly illuminating: it indicates that this (probable) family gave gifts for the souls of their parents to a Wissembourg, but tells us nothing of why this should be.

A notable difference between the two grants, however, serves to highlight the issue of the differing motives behind transactions. Whilst Gerbald's and Richbald's grant involved parcels of land in what we know to have been at most an eleventh of the *uilla* territories in which they jointly or singly held land,[6] and the property disposed of in Preuschdorf and Dannstadt was not certainly all their holdings even in those two settlements, Sigibald disposed of land in nineteen estates, a holding so substantial that he had a clause inserted into the charter allowing a legitimate son to redeem the lands in question for the huge sum of six hundred *solidi*: the estates were given a high value and it was clearly

or to the donors of particular charters are unclear at best. As elsewhere, a presumption that there was a transition from public scribes in the early eighth century to monastic scribes by the ninth century can be made, but has not yet been substantiated: for discussion of these changes see McKitterick, *The Carolingians and the Written Word*, pp. 115–25, and particularly Le Jan, 'À la recherche des élites rurales'.

[5] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 128. On the likelihood of Sigibald being the cousin of Gerbald and Richbald, see also Staab, *Untersuchungen zur Gesellschaft am Mittelrhein in der Karolingerzeit*, pp. 401–03.

[6] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 63 lists twenty-two estates disposed of by Gerbald. Richbald disposed of land in eighteen *uillae* in doc. no. 60.

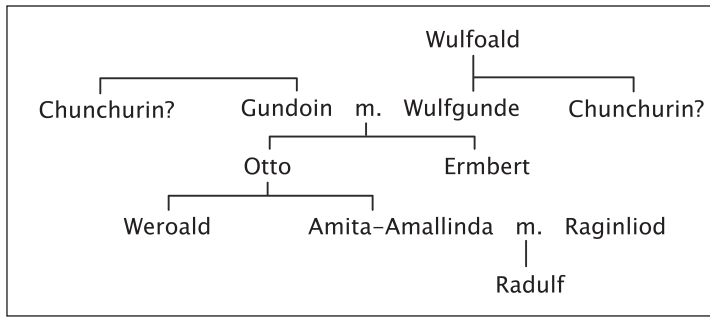


Figure 2. Attested and probable relationships amongst the family of Gundoin attested in the Wissembourg charters. Drawn by Jonathan Jarrett from an original by Allan Scott McKinley.

considered that the grant might disinherit future generations, such was its size. Both gifts to Wissembourg were for the souls of parents, but in scale and impact there was a huge difference in two chronologically close grants made by probable close kin. To understand the relationship between grantors and churches, it is necessary to try to understand how two grants of ostensibly similar background could be so different, or to put it another way, what strategies may have lain behind the decision to make each grant to Wissembourg, rather than a grant on a different scale to a different church.

Families, Political Affiliation, and Charters

It is worth pursuing the theme of the problem of studying the relationship between grantors and churches using a top-down view of politics further, by adducing more evidence from the Wissembourg archives from some seventy years earlier. In 699, two brothers, Ermbert and Otto or Audoin, sons of Gundoin, made a large donation of land to Wissembourg;[7] further gifts followed.[8] In the next forty years, their mother Wulfgunde,[9] Otto's son and

[7] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 223 (= 205 and 252). Note that Otto and Audoin are the same name in different orthographies: Staab, 'Noch Einmal zur Diplomatik zur Weissenburger Traditionen', pp. 315–16.

[8] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. nos 226, 239 (= 218), and 240.

[9] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 229.

daughter, Weroald and Amita-Amallinda,[10] and the latter's son Radulf,[11] all transferred property, albeit rarely on the same scale, to that same church.

Conventional understandings of the grants of the descendants of Gundoin to Wissembourg are influenced by perceptions of their political alignments, and in particular the family's role in a hypothetical anti-'Pippinid' movement.[12]

[10] Weroald: *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. nos 192, 231, 233, 242, 243, and 256; Amita-Amallinda: doc. no. 225. It is conventional to see Weroald and Amita-Amallinda as the children of a different Otto from the son of Gundoin, an identification which seems to originate with Ewig, 'Die fränkischen Teilreiche im 7. Jahrhundert', pp. 199–200, n. 116, and has been generally repeated: e.g. Halsall, *Settlement and Social Organization*, pp. 50–51; Le Jan, 'À la recherche des élites rurales', pp. 488–89. This is based on the dating of a key charter, *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 242, conventionally dated to the sixth regnal year of Childeberht III, AD 700. This document mentions that Weroald's father Otto is dead, whilst Otto, brother of Ermbert, is attested as late as 706 (*Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 229), and so, if the conventional dating of doc. no. 242 is accurate, can apparently not be the same Otto. However, no. 242 is actually dated '[...] anni sexto regnati domno Chilpertum regis [*sic*]' (this approximates to 'the sixth year of the reign of King *Chilpertus*', and is either corrupt or very poor Latin). No Frankish king *Chilpertus has been attested, so this is presumably a garbling of another name. Childeberht is a reasonable guess, as *pert* is a common representation of the suffix *berht* in Alsatian charters. To accept *Chilpertum* as Childeberht does, however, involve the loss of the second syllable of the name, and as numerous high medieval and later Hildeberts attest, this was a feature of the name that was not lost in the Merovingian period. Also, while doc. no. 242 has problems with cases and name forms, there is no evidence of loss of syllables. An alternative, and more likely, scribal error, could be the Merovingian royal name Chilperic. Scribal confusion of *c* and *t* is particularly common, and **Chilpercum* would be a quite acceptable form for Chilperic. Chilperic II, whose sixth (and final) year as king was 720–21, would fit the circumstances nicely.

This re-dating fits doc. no. 242's content better: in it, Weroald is a monk, and grants all his possessions to Wissembourg, making the three charters where he grants land without reference to his monastic status, issued in 712, 713 and on 15 January 721 (*Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. nos 231 and 233; 192 and 256; and 243) rather difficult to explain with the conventional dating of doc. no. 242 to 21 May 700. It is thus a more efficient explanation of the charter to suggest it was granted in 721, the last donation intended by Weroald as he retired into monastic seclusion. This has the added appeal of reducing the number of Ottos active at Wissembourg around AD 700 to one. All in all, the evidence of doc. no. 242's corrupt dating clause and content make a pretty convincing case that we are dealing with a single Otto, the son of Gundoin and father of Weroald and Amita-Amallinda.

[11] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 225.

[12] Staab, *Untersuchungen zur Gesellschaft am Mittelrhein in der Karolingerzeit*, p. 300; Halsall, *Settlement and Social Organization*, p. 14; Fouracre, *The Age of Charles Martel*, p. 77. To be fair, there may have been some feeling against the 'Pippinids' in the family if the Gundoin who was father of Ermbert and Otto was the man killed by Pippin II for having killed Pippin's father (*Annales Mettensis Priores*, ed. Pertz, p. 315), but to assume that this event continued to shape family policy for the

A narrative has been constructed which sees the Austrasian mayor of the Palace Wulfoald, presumably the man identified by Wulfgunde as her father, and Gundoin as representing a group opposed to the 'Pippinids', an interpretation repeated to the point that scholars have taken this opposition as read and assumed that the family of Gundoin and their associates were among the key figures in an apparently organized anti-'Pippinid' faction. In order to reconstruct this faction, the associates and affines of Gundoin have been sought, and a picture has been built of a group of interrelated families with common political objectives who were associated with Wissembourg through granting and witnessing charters.[13] Unfortunately, most of the available evidence for the late seventh and early eighth centuries in the area where the family of Gundoin was active is found in the Wissembourg cartulary, which fails to record political alignments, being focused upon the transmission of property to the church. By assuming that we can identify the political leanings of one family, contemporary figures appearing in the Wissembourg cartulary are also assumed, by a form of circular reasoning,[14] to be anti-'Pippinid', on no actual evidence. This is taken

next half-century is to assume that Frankish nobles lived in a soap opera or a society governed by feud to an extent never seriously suggested (see the corrective to extreme views here by Wood, 'The Bloodfeud of the Franks'). Further evidence of the anti-'Pippinid' stance of the family of Gundoin is sometimes adduced from the fact Gundoin may have been married to the daughter of Wulfoald, mayor of the Palace in Austrasia in between the 'Pippinids' Grimoald and Pippin II (*Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. nos 228–29, where Wulfgunde identifies her father as Wulfoald, although she does not label him *maior domus* which would make the identification certain) but this actually does not mean there was hostility: Wulfoald is not recorded as ever having come into conflict with Grimoald or Pippin, and for all we know may have had Pippin's support.

[13] This is best demonstrated by Glöckner, 'Die Anfänge des Klosters Weissemburg'; Staab, *Untersuchungen zur Gesellschaft am Mittelrhein in der Karolingerzeit*, p. 300; Ebling, 'Die inneraustrasische Opposition', pp. 299–302. Hummer, *Politics and Power in Early Medieval Europe*, p. 38, follows the association, but points out the opposition is overstated.

[14] Individuals who were involved with Wissembourg can be identified and contextualized from the charters recorded in the cartulary, and because of this they can be linked with other known individuals; since these individuals are evidenced from the same source, it automatically appears that there is a common focus on Wissembourg. Therefore, it is easy to assume that all those individuals known to be associated with Wissembourg were in fact sharing common aims and objectives because the limited amount that we know about them is focused on the same institution. If we had any other sources from which they might be contrasted, however, we might understand their actions very differently. Cf. Innes, *State and Society in the Early Middle Ages*, pp. 13–34, on competition for grantors between Lorsch and Fulda, or Jarrett, *Rulers and Ruled in Frontier Catalonia*, pp. 62–64 for a case study of plural patronage in the forms of the two monasteries of Ripoll in Catalonia.

further by positing family links through such unhelpful and non-definitive measures as assuming that names ending in *-oald* and *-berht*, two of the most common suffixes in the Wissembourg cartulary, were indicative of membership of an extended clan patronizing Wissembourg, a suggestion which logically should allow us to suggest the 'Pippinid' Grimoald as a member of the anti-'Pippinid' nexus![15] At no point has anyone made a reasonable case founded on any wider evidence that focus on a particular church shows a particular political alignment, especially where that focus in reality may take no more active a form than witnessing the charters of a neighbour or prominent associate.[16]

Attention to the Texts

Attested Family Links

The narrative described above considers the charters recording transactions by members of Gundoin's family as evidence of the common link with Wissembourg which apparently defines the extended family/faction, but does not consider them as texts that can be read, which neglects the key evidence of the charters' formulation. What this evidence does permit us to say is that the family of Gundoin were not in the habit of advertising themselves as members of a wide-ranging familial-political network through charters, which is effectively all the evidence for this family we have. Members of the family do, however, identify important familial relationships when they name themselves, by identifying their fathers. These relationships, expressed as part of the grantors' identities, help identify something important: that for the family of Gundoin, family identity as publicly expressed was a matter of parents, and implicitly children and siblings (who would identify their parent in turn); the nuclear family, through which power and property were transmitted, was what was identified as important enough to proclaim in their charters, rather than some nebulous political clan. The conventional reading of the relationship of the family with Wissembourg, based around seeming collective action by a large group of interconnected families, does not match the family's own attestation of what was important, which was invariably the identity of the father of the grantor, without reference to more distant ancestors.

[15] Most recently Le Jan, 'À la recherche des élites rurales', pp. 488–92.

[16] Witnessing was an activity based much more on vicinity than political alignment: Le Jan, '*Malo ordine tenent*', pp. 957–58.

It is therefore clear that if, for example, the grandson of Gundoin, Weroald, was identified in his charters only as the son of Otto, meaning that the link to Gundoin is now obvious only to those also familiar with the charters of Otto, then there was little importance attached to common descent in the charters. The focus is instead purely on contextualizing the grantor in terms of the previous generation, now dead. This might be thought to reflect the simple aim of providing a title to the lands concerned in the charter, but this would fail to explain why Wulfgunde is identified by reference to her father, Wulfoald, in the charter record, not the likely source of the lands she gave to Wissembourg, her husband Gundoin.[17] Equally, unlike later practices such as the *laudatio parentorum*, where the consent of living kin for a grant was invoked, the invocation of dead parents does not imply any particular need for familial consent.[18] The practice of naming the grantor's father was never the norm, including during the period that the descendants of Gundoin were actively patronizing Wissembourg, so it appears to be something that grantors chose to do.[19] That is to say that in their charters, the descendants of Gundoin chose to describe themselves in terms of patrilineal nuclear families, and that this was clearly a conscious decision on their parts. The creation of this limited image of family may well be a practice particular to charter records, and conceal wider active bonds of kinship,[20] but for the descendants of Gundoin it is also our only image of their view of their family structure, and the limits of our knowledge should therefore caution us against assuming that other family structures can be invoked without evidence.[21]

[17] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 228; for this grant probably consisting of Wulfgunde's morning gift, McKinley, 'Church-Patron Relationships Amongst the Anglo-Saxons and Franks', pp. 128–29.

[18] See White, *Custom, Kinship, and Gifts to Saints*.

[19] For example, *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 169 of 711 or 232 of 712. It should be noted that charters of Weroald do not record his father (Otto) as part of his identity until 721 (doc. nos 242–43), almost ten years after Weroald's first grant to Wissembourg, which is not indicative that this practice was necessarily required even amongst the descendants of Gundoin.

[20] On the representation of family in charters, and the danger of assuming that differing diplomatic practices reflect differing family structures, see Stafford, 'La Mutation Familiale'.

[21] The idea of the Germanic clan (or *Sippe*) identity having strong enough significance that it can be assumed to be active without further evidence is shown to be invalid by Murray, *Germanic Kinship Structure*.

Motives of Association

If we are not looking at a political clan patronizing a church as an indicator of their position in relation to issues of court politics, then we need to find an alternative explanation for the strategy of patronizing Wissembourg adopted by the progeny of Gundoin. The first contact evidenced between Gundoin's descendants and Wissembourg was made in 699, when his sons Ermbert and Otto made a large donation to Wissembourg that included what was seemingly a family church of Sts Martin and Hilary at Einville-au-Jard, with all its lands.[22] This establishment of a relationship was a local event, and should be understood as such: local power was important to the developing Frankish aristocracy wherever that power might be held, even if it later served as a basis for seeking power at court.[23] An explanation for the decision to patronize Wissembourg made by Ermbert and Otto might therefore simply be to do with status; through the seventh century an increasing number of prominent Frankish aristocrats had emulated the Merovingians by founding and endowing monasteries, a kind of more elite and expensive version of church foundation, marking the founders out as pre-eminent figures.[24] Whilst the influence of churches such as that of Sts Martin and Hilary at Einville was generally limited to a particular *villa* at most, a monastery could be influential over a wide region, attracting patronage and offering prayers. Association with a monastery was therefore a way of advertising your power and status to other associates of the house across a wider region.

The choice of Wissembourg for Otto and Ermbert's patronage was presumably partially because it had pre-existing links, not only in northern Alsace and presumably the southern Speyergau where it sat, but also across the Vosges in the Saargau and *Pagus Salinensis*, the areas in which the family of Gundoin's recorded lands were located.[25] It was therefore local to their interests. Transfer

[22] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 223 (= 205 and 252). In what now follows, it should be emphasized that the family of Gundoin may have patronized other churches elsewhere; the Wissembourg cartulary is unusually early, and there are no comparable records for other early eighth-century churches for a radius of over a hundred miles. As a result, this picture may be very incomplete, but of course it is only possible to work with the evidence we have.

[23] Innes, *State and Society in the Early Middle Ages*, pp. 94–140.

[24] Le Jan, '*Malo ordine tenent*'.

[25] All recorded estates granted by identified members of the family and recorded in *Traditiones Wizenburgenses*, ed. by Glöckner and Doll are located in the south-eastern areas of the medieval diocese of Metz. It should be noted that this was a diocese where episcopal hold

of land to Wissembourg by Ermbert and Otto need have been neither a statement of identity nor a move in the wider politics of the Frankish kingdom, but rather a way of stressing local predominance. Although Otto was a count, which implies some political connection, this title is never emphasized in his charters.[26] Ermbert and Otto are never attested as active in supra-regional politics, and it makes more sense to consider their patronage of a church in this local light, displaying to those associated with Wissembourg Ermbert and Otto's power, authority, generosity or whatever a large grant to a church signified to contemporaries.[27]

Wissembourg may also have needed powerful patrons: by 700 the three principal figures seemingly associated with its foundation were, as far as the evidence allows us to conclude, all dead,[28] and our (perhaps limited) knowledge of pre-eighth-century patrons of Wissembourg indicates that there had most likely been no major new patronage for Wissembourg since its foundation before 665.[29] This perhaps presented an opportunity: a church with no

over the building of monasteries seems to have been strong, and where, therefore, those seeking to patronize aristocratic monasteries had to look outside the diocese: Halsall, *Cemeteries and Society in Merovingian Gaul*, p. 278.

[26] Otto's possession of this title is known from *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 241–3, charters of Weroald where his deceased father is identified as 'Audoino quondam comite' (the late count Otto).

[27] On the essentially localised basis of Frankish aristocratic interests, albeit relatively widespread in comparison to other contemporary societies, see Wickham, *Framing the Early Middle Ages*, pp. 90–91.

[28] On the powerful figures associated with the foundation of Wissembourg, McKinley, 'Church-Patron Relationships Amongst the Anglo-Saxons and Franks', pp. 68–75. Duke Boniface's death is one of the events described as happening before the 'martyrdom' of Germanus, abbot of Grandval, in the 660s, in a *uita* that is nearly contemporary with the events: Bobolenus, *Vita Germani Abbatis Grandivallensis*, ed. by Krusch, c. 10. Bishop Rothari of Strasbourg must have been dead by 679 at the latest for Dagobert II to offer his bishopric to Wilfrid of Hexham: Stephen of Ripon, *Life of Bishop Wilfrid*, ed. and trans. by Colgrave, c. 28, p. 54. Bishop Dragobad of Speyer's episcopal dates are particularly unclear, but the latest he could have been alive seems to be circa 700: Gams, *Series episcoporum Ecclesiae Catholicae*. p. 313.

[29] Only four charters exist from the period between Wissembourg's foundation, pre-665, and the earliest charter of the sons of Gundoin, 699: two sales of land in Goersdorf, just south of Wissembourg (*Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. nos 43 and 46); a charter, although not in the normal form of a sale, recording a transaction whereby in return for 500 *solidi* the *dux* Theotchar gave Wissembourg salt works in Marsal, southeast of Metz (doc. no. 213); and a grant of lands in both Alsace and the Speyergau by two brothers, cared for as orphans by Wissembourg, which is perhaps best considered as a counter-gift

major patrons and potential patrons that wished to advertise their status and power could come together in a mutually beneficial relationship. By transferring their family church and core estates, along with substantial other properties, to Wissembourg the sons of Gundoin expressed their commitment to the relationship; by receiving the gift in a ceremony at the abbey, Wissembourg acknowledged the relationship in turn, accepting the association and publicizing the status of Ermbert and Otto as powerful patrons to those present and those linked to the abbey. If, as seems to be the case, there were no other patrons of equivalent status associated with Wissembourg,[30] this effectively placed the brothers in a particularly elevated social position in the nexus of those associated with Wissembourg. The initial grant by Ermbert and Otto was a public statement of power and relationship with a church, which had accepted this statement through accepting their patronage, and therefore also broadcast their local predominance.

Continuing and Renewing the Association

There seems to be no *a priori* reason why any further grants would be made in this relationship. The family of Gundoin had advertised their status and power over a wide area; the church had powerful patrons. But further grants from the family continued and the timing of these allows the observation of a potentially significant pattern: Wulfgunde made a grants of lands *in precarium* in Einville, probably in 707.[31] This is the same year that Drogo, Pippin II's oldest

in return for Wissembourg's role in the grantors' childhoods (doc. no. 38). None of these are indicative of excessive patronage. It is possible doc. no. 39, dated only to the abbacy of Ratfrid (693 x 694–727 x 731) also predates doc. no. 223, but this is a small gift in gratitude for being included within the community, and not indicative of major patronage. It is, of course, highly likely that other charters existed from those *pagi* whose charters the Wissembourg cartulary failed to record. However, there is no evidence to *suggest* that any new major patrons had entered into relationships with Wissembourg.

[30] The family of Chrodoin (on whom see Le Jan, 'À la recherche des élites rurales', and Hummer, *Politics and Power in Early Medieval Europe*, pp. 65–75) are often assumed to be contemporaries (if not relatives) of the family of Gundoin, perhaps involved in the foundation of Wissembourg (Hummer, p. 68). However, they are not actually evidenced as patrons of Wissembourg until 712 (*Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 232), over a decade after the first gift of Otto and Ermbert, even though Chrodoin may well have written doc. no. 46 of 695 for the monastery and a namesake was abbot before that date (doc. no. 213).

[31] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 228–29. On the identification of this estate as Einville-au-Jard, see Halsall, *Settlement and Social Organization*, p. 53 n. 15;

son, died, an undoubted blow to the ageing Pippin II's power and prestige. Weroald and his sister, Amita-Amallinda, made their earliest transactions with Wissembourg in 712 and 713, during the last years of Pippin II's long life.[32] The death of Pippin II, having been predeceased by both his sons by his favoured wife, Plectrude,[33] caused Ermbert to enter into an exceptional set of transactions with Wissembourg in 715, whereby he retained control of the donated lands and received payment.[34] As late as 737, when Charles Martel chose not to appoint a new Merovingian king, Weroald and his nephew Radulf made grants to Wissembourg, the latter significantly dated (and commencing with) 'Anno post transitum domini nostro Thiodirichi regis'.[35] In each of these cases, a transaction involving one of Gundoin's descendants coincides with a situation where there might be good reason to expect increased volatility in the political leadership of Austrasia or Francia as a whole. It can be plausibly suggested that individual members of the family reacted to these crises by concentrating their resources on a single church, with which the family as a whole already had a relationship.[36] The conclusion has to be that Gundoin's descendants were reacting to crisis within the Austrasian elite by transacting with Wissembourg, strengthening the existing relationship, a conclusion that can only be strengthened when it is realised that following the period 699–700 when the initial relationship with Wissembourg was established, all the first-recorded transactions of Gundoin's descendants fit this pattern.

The outline of a strategy can therefore be seen here: once established, descendants (and the widow) of Gundoin seem to have engaged in transactions with, rather than necessarily outright donations to, Wissembourg, seemingly at times when the stability of the government of the Frankish kingdom was threat-

McKinley, 'Church-Patron Relationships Amongst the Anglo-Saxons and Franks', p. 128 n. 18.

[32] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. nos 225, 231, and 233.

[33] Pippin's second son, Grimoald, was killed shortly before his father's death: *Liber Historiae Francorum*, ed. by Krusch, c. 50.

[34] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. nos 226 and 239 (= 218).

[35] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 241; 'The year after the passing of our Lord King Theuderic', doc. no. 37.

[36] It should be noted that we only have recorded those members of the family who transmitted land to Wissembourg by this method, so we cannot assume this was a universal family reaction, rather than a reaction by certain individuals. If Ermbert had descendents, for example, they are not recorded in any charters in a way in which we can identify their parentage, which may reflect the fact that they did not adopt this particular strategy (but may equally indicate patronage of another church, or no church at all, or may just indicate that Ermbert had no children).

ened by the deaths of prominent court figures or even the disappearance of the figure of the king, times of both opportunity and threat in the political system. This tied the identity of the church and the family more closely together, and reinforced existing links. It should be noted that many of these transactions were not outright donations, but rather either sales or arrangements through which the grantor retained control over the lands involved: more statements of relationship than alienations of land, at least in the short term. In the most extreme case, in 715, Ermbert seems to have received back the use of the lands he sold to Wissembourg for the sum of five hundred *solidi* for as long as he or his family required. It is difficult to be sure about the purpose of these transactions in the eyes of the parties concerned, as the charters generally do not record motivation. What we might say is that whatever these individuals sought from their transactions, it would have been to them a rational response to the stimulus of political uncertainty; a best guess might be that these transactions and gifts served to reinforce or secure the status of the individual within local society when it might be expected that political uncertainty would cause possible renegotiation of status, as any restraining influences on competition for power at a local level exercised by the court would be likely to be less effective.

With the proviso that our knowledge of Gundoin's family is incomplete, we therefore have an alternative view of individual members' relationships with Wissembourg to that based on the idea of membership of a larger anti-'Pippinid' party. We can see from their charters that Gundoin's descendants were identifying themselves as small nuclear families centred on the grantor, and that their actions suggest that after a deliberate and notable initial engagement with Wissembourg establishing their relationship with that church, the relationship was punctuated by periodic reaffirmations by particular individuals at times of political stress. There is no clearly identifiable political programme visible here, other than reacting to events centred on court, and it seems plausible that this strategy reflects the situation of a family of relatively minor, on the scale of the Frankish kingdoms, but locally powerful figures: a strategy that reflects the fact that for all but the top level of aristocrats local concerns were probably paramount but events at the royal court were likely to cause local stress.

More Hierarchical Association

Now let us return to the bald family, who like the descendants of Gundoin have left us evidence to piece together their strategies of alienating land to the church. The first thing to say is that is that there are some key differences that are apparent: there is no link between gifts and known periods of political

stress; the bald family was not obviously claiming local predominance, but was rather one amongst several families of note; and the members of the family did not identify themselves in relation to other members of the family, but only by their own name (except for joint grants of Gerbald and Richbald acknowledging they were brothers), suggesting that the importance of descent to them was either less or that it was something so normal that it was taken for granted.[37] Perhaps the most significant difference in the thirty years between Weroald's final grant and the initial grant of Gerbald and Richbald, however, was that Wissembourg was no longer an aristocratically dominated institution of purely local reach; it was now a royal abbey, protected by royal immunity, and as such functioned as a conduit between locality and court, but one that would always be controlled by the king or his agent.[38] If Gundoin's descendants had been able to establish and perhaps maintain their local positions through their relationships with Wissembourg, that position as pre-eminent patron of Wissembourg was now held by the king. Any strategy that the bald family pursued was taking place against a very different background from that already discussed.

It is thus clear that we are looking at a different strategy here, the key to which may be how we identify relationships between members of the bald family. These were not stated as part of the grantor's own identity; instead, where we can identify these relationships, it is without exception in the motivation clause of the charter, where the dead kindred whose souls would benefit from the grant are identified by their relationships to the donor or donors.[39] Whereas

[37] Such a normalization of status without the need to refer to parentage might represent a stage in the development of an aristocracy in the north-east of Francia, additional to those described in Halsall, *Cemeteries and Society in Merovingian Gaul*, pp. 272–78.

[38] It seems likely that Pippin issued an immunity for Wissembourg, recorded in a later and suspect immunity of Otto II: *Die Urkunden Otto des II*, ed. by Sickel, no. 15. Staab has put forward a strong argument for this being a later invention in Staab, *Untersuchungen zur Gesellschaft am Mittelrhein in der Karolingerzeit*, p. 301, n. 759, but this ignores two key facts that support the tradition: the fact that the other monasteries associated with *dux* Luitfrid in Alsace (Honau and Murbach) did acquire such immunities; and the fact that a key member of Pippin's court, Bishop Ermbert of Worms, became abbot of Wissembourg, which is likely indicative of a royal interest in the monastery: Ermbert first appears as abbot in *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 193, dated to 19 November 764; he was not yet abbot on 2 November 763 (doc. no. 263).

[39] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. nos 53 (= 178), 65–66 and 128. Doc. no. 87 is a grant of Abbot Ermbert for the soul of Sigibald's wife, Luitswind, granting to Wissembourg Luitswind's morning gift from her marriage to Sigibald, which had been gifted to Ermbert personally by Sigibald, presumably after Luitswind's death, whilst doc. no. 102 prob-

Gundoin's descendants had emphasized their identity in relation to their fathers, the bald family were structured around a system of remembrance through the provision of prayers for dead members of the family (or at least, those deceased members of the family whom it was politic to regard as close kin).[40] It is also worth considering the fact that there is only one charter of the bald family which provides for the souls of members of the family whose souls are also provided for in another charter. This is apparently a reissue of the same grant, as it gifts the same property on a different date and with different formulas, so it might be expected that the original purpose of the grant would be repeated.[41] It seems then that the members of this family generally made only a single post-mortem gift for the souls of departed kin: the bald family were pursuing a strategy of remembrance and remission of sins through donation to a church.

Expressions of Motivation

It should be noted that there is almost no indication of this line of thought in the charters of the descendants of Gundoin, where the motivation for grants is generally expressed in very general formulaic terms, with an air of general piety and concern for the future but no particular specific spiritual demands expressed. Indeed, the majority of the family's transactions, which involved sale or *precaria* and would be therefore difficult to portray as outright alienations in alms, avoided the pious motivations, instead not specifying any motivation at all. Only the final grant of Weroald, from 737, almost forty years after the start of the relationship, saw any mention of the remission of sins.[42] This change might appear

ably records Gerbald's sons commemoration of their father, although the relationship between the commemorand (Gerbald) and the grantors is not stated.

[40] See Innes, *State and Society in the Early Middle Ages*, pp. 52–55, on expressions of kinship and the construction of familial units within the wider kin-group.

[41] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 53, issued six days after doc. no. 128 but without explanation of why this grant should be repeated (McKinley, 'Church-Patron Relationships Amongst the Anglo-Saxons and Franks', pp. 159–60, argues that this was an exceptional and deliberate restaging of the gift as part of a campaign to emphasise Sigibald's patronage of Wissembourg). Doc. no. 66, which provides for Wigbald and his wife Beda's soul, is partially duplicated by doc. no. 65, for Wigbald's soul, but this can be seen as grants for two different sets of recipients.

[42] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 241, where the clause seems to come from its model (p. 475). Doc. no. 37, issued five months later, does not have a motivation clause other than a pious invocation.

to be a relic of diplomatic practice, as there is a clear break between the practice of naming the grantor's father as part of the grantor's identity, the last example of which at Wissembourg is recorded from 764,[43] and for making gifts for the souls of named relatives, which prior to 764 is only recorded twice, both times for sons who had predeceased their fathers,[44] and is otherwise first seen with the advent of the patronage of the bald family in 765 x 766.[45] This is also, however, exactly the period in which the prominent royal courtier Bishop Ermbert of Worms became abbot of Wissembourg;[46] indeed, *Traditiones Wizenburgenses*, doc. no. 193, the last example from Wissembourg of a grantor identified by their relationship to their father, is the first charter to record Ermbert in that office. The timing of this change seems therefore to be connected to the incorporation of Wissembourg into the network of royal monasteries, with the change in diplomatic practice here reflecting a change in social and political realities.[47]

The bald family were therefore operating with a different strategy in a different environment. All the same, this strategy of commemoration is not by itself sufficient explanation for the full relationship that this group developed with Wissembourg. Gerbald and Richbald's initial gift to the abbey was the sort of gift one would expect for this sort of strategy, a relatively small amount of land in return for prayers.[48] It might well be that such a strategy was spread over several churches: the later gift of Gerbald's and Richbald's to Wissembourg of all their property in Dauendorf exempted one *curtile*, a household unit, which was held by the abbey of Lorsch by their gift.[49] This is exactly the sort of equivalent

[43] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 193, the rubric of which actually records the grantor's grandfather, a count, unlike his father, which perhaps illustrates the appeal to ancestry and authority involved in identifying the grantor through his parental descent.

[44] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. nos 262 (of 724) and 248 (probably of 737). It is possible that this was a practice of alienation of a share of inheritance for the memory of the dead son.

[45] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 66.

[46] See n. 38 above.

[47] This is clearly more than a change in scribal personnel, as both the last charter to identify the donor's father of part of his identity (*Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 232) and the first charter to identify a member of the family other than a son in the motivation clause (doc. no. 193) were the work of the same scribe, Geroin, who was active as a scribe of Wissembourg charters before the abbacy of Ermbert (doc. no. 139 of 757).

[48] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 66.

[49] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 65. Lorsch was founded in 764, so a gift to the new monastery (local to the family estates in the Wormsgau) would be perfectly plausible.

to the two parcels of land gifted to Wissembourg that might indicate that there was a strategy of widespread commemoration of dead kin. Unfortunately, the plentiful archives of Lorsch do not seem to include any mention of this gift, so confirmation of this is not possible. Other indications from the Carolingian period, and indeed comparative examples from elsewhere, do suggest that this was not an unlikely strategy.[50] It should also be noted that the family's members seem to have held land up the Rhine Valley from Worms to Strasbourg, leaving them naturally placed to be in contact with multiple institutions, and indeed Sigibald at least witnessed charters for Fulda and Lorsch, as well as being involved with Wissembourg.[51]

When Sigibald made his gift for the souls of his parents to Wissembourg, however, he seems to have adopted an alternative policy and thrown all his eggs into one basket. Land in eighteen settlement territories was bestowed on the abbey; it seems very unlikely that this was representative of widespread gifts for commemoration, as even well-endowed families would have been unable to afford this level of pious giving. Considering that Gerbald and Richbald would make gifts to Wissembourg of land in up to twenty-two different settlements, it seems reasonable to assume that they also changed their strategy to one that was much more focused on a single institution. What lay behind this decision to concentrate resources, to change a strategy of commemoration through small gifts to a strategy of commemoration through large gifts, probably in a much more focused relationship with a church?

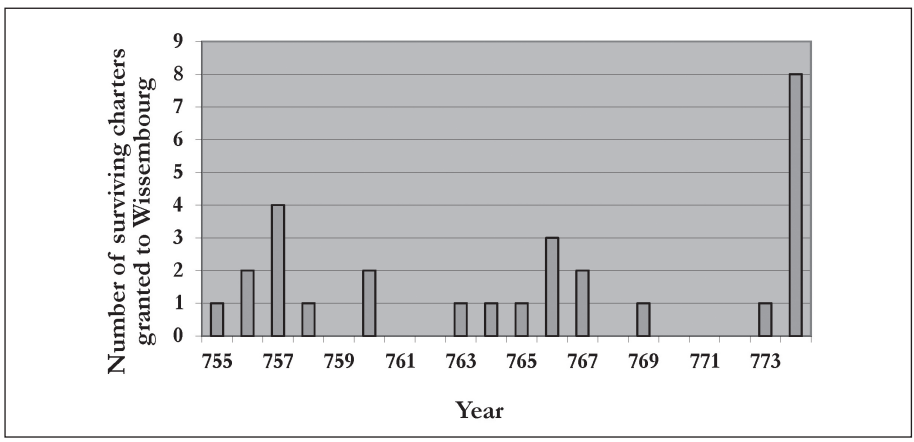
The key here could be a similarity with the situation when the family of Gundoin engaged in their relationship with Wissembourg. That is to say that when Sigibald made his impressively large gift, and indeed repeated it with a different motivation and a new set of witnesses a week later, Wissembourg was once again lacking patrons in northern Alsace and the Saargau, the areas covered by its surviving cartulary. This was in part because of the political division of the Frankish kingdoms in 768–71 between Charlemagne and his brother Carloman, which seems to have left Charlemagne ruling the Speyergau whilst Alsace and the Saargau were in the kingdom of Carloman.[52] During this period, and for a

[50] See the discussion of post-mortem patronage across several churches in Nelson, 'The Wary Widow', pp. 95–106. The Lorsch documents are edited in *Codex Laureshamensis*, ed. by Glöckner.

[51] Staab, *Untersuchungen zur Gesellschaft am Mittelrhein in der Karolingerzeit*, 401–03.

[52] Fredegar, *The Fourth Book of the Chronicle*, ed. by Wallace-Hadrill, continuation c. 53. This description is incomplete, as it does not mention the Neustrians, and is probably inaccurate in the area around Wissembourg: *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc.

short while afterwards, only one charter involving land in Carloman's kingdom granted to Wissembourg is known, and the abbey not only lay in Charlemagne's kingdom but was ruled by an abbot who was close to Charlemagne, Ermbert, bishop of Worms.[53] In a comparable five-year period in the preceding twenty years, the lowest one would find would be three charters, and that would be cherry-picking the evidence; otherwise the five-year total is normally five to eight charters, and can be as high as fourteen (see Graph 1). In effect, this rupture in patronage was significant; in an area where Wissembourg seems to have been the major landowner patronage was drying up, probably due to the effects of the imposition of political boundaries onto Wissembourg's social networks, meaning that the abbey no longer stood as a link between the locality and the court of the ruler of that locality, but rather to the court of a potential rival ruler.



Graph 1. Number of surviving charters granted each year to Wissembourg, 754–74.[54]

no. 245 (=250) is a charter from the Saargau, technically part of Austrasia, which is dated by Carloman's regnal years, rather than Charlemagne's, indicating Carloman may have had authority west of the Vosges and north of Burgundy, a fact not indicated by Fredegar's Continuator. Modern scholars have attempted to determine the division between the two rulers, e.g. Fouracre, 'Frankish Gaul to 814', map 6, p. 100, but a detailed geographical study of this short-lived fracture of the Frankish empire is still much needed.

[53] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 91. On the importance of Ermbert to the early Carolingian kings, see Ewig, 'Résidence et capitale pendant le haut moyen age', p. 393; Hummer, *Politics and Power in Early Medieval Europe*, p. 110. There is no evidence for Ermbert having close relationships with Carloman in the way he did with Pippin and Charlemagne.

[54] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. nos 245 (= 250), a record of

But even before this, patronage was minor. Since the disappearance of the Dukes in Alsace in the 750s, no major patrons had been visible at Wissembourg. It is possible that there were such patrons in areas such as the Speyergau and Wormsgau, and indeed, as these regions were in Charlemagne's share of the divided kingdom, that there were continuing patronage relationships in 768–71. This is speculation, however; what we can say for the area where we have some evidence is that in 773 Wissembourg had been without major patrons for a while, and seems indeed to have had a total breakdown in patronage. When Sigibald, and then Richbald and Gerbald, made the decision to alienate land to Wissembourg, they were therefore taking on a role seemingly vacant. It immediately put them within a hierarchy of power, leading through Abbot Ermbert to the king, and it is notable that alongside the relationship with the church, Sigibald at least seems to have formed a good relationship with the abbot, to whom he donated land, and who in turn made a gift for the soul of Sigibald's wife.[55] By patronizing Wissembourg, the bald family put themselves in direct contact with a court-linked figure, with whom they established a clear relationship.

Going the other way, down the social hierarchy, following on from the family's initial large gifts in 773 and 774, the flow of gifts to Wissembourg picked up again.[56] It is interesting, however, that at least one of these new grantors, a priest called Ado, would not only patronize Wissembourg, but would become a regular witness for Richbald's charters, travelling in order to do so outside the area in which Ado held land and seems to have exercised his ministry.[57] This can

a sale, and 189, a grant of a vineyard to the church of St Peter at Uhlweiler, both date from 771, but neither of these were grants to Wissembourg itself.

[55] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 87. Hummer, *Politics and Power in Early Medieval Europe*, pp. 110–13, suggests that Ermbert was an outside appointment to the abbacy and therefore needed the support of Sigibald and his locally well-connected family, but as we know nothing certain about Ermbert's origins, this remains speculative, and also fails to explain why Sigibald only engaged in major patronage in 774, ten years after Ermbert was appointed abbot.

[56] Excluding grants by Sigibald, Gerbald, and Richbald, there were three grants to Wissembourg on 25 and 26 June 774 (*Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. nos 71, 133 and 184), the two days after Richbald granted doc. no. 63. Another two or three non-bald-family grants date to 775 (doc. nos 119 and 246, and possibly 26 (= 105)), which are less clearly connected to the actions of the bald family.

[57] On Ado, an initial discussion and contextualization is available in McKinley, 'Church-Patron Relationships Amongst the Anglo-Saxons and Franks', pp. 162–64, but more work could be done on this man and his career. His area of activities can be estimated as a band of territory

perhaps stand as an example of how establishing themselves as major patrons of one church stood to benefit the bald family. Ado was a man with some influence who seems to have had clients of his own, some of whom actually regularly attested charters alongside him: by patronizing Wissembourg, Richbald thus seems to have to been able to associate with a man who could provide access to local networks of clients and power, which would have boosted Richbald's own position.[58] In turn, the downwards flow of power and reward from the courts through Abbot Ermbert to the bald family could continue to Ado, and to Ado's clients in turn.[59] By focusing their efforts on one church, members of the bald family seem to have put themselves firmly into a network of clientage and patronage which allowed them to be locally significant. Whilst this might seem similar to the suggested *modus operandi* of the family of Gundoin, it should be noted that the choices were different in each case; the strategy here was built round remembrance and remission of sins, and entering into the relationship with Wissembourg was no longer an equal affair, but rather one where the bald family linked themselves to politics beyond their control, albeit also opening themselves to the rewards available from the royal court rather than simply at a local or regional level. Through targeted use of pious gifts which might in other situations be distributed across more numerous churches, these cousins could seize an opportunity to build up their political position and seek reward.[60]

Hopefully this discussion has shown that the strategies adopted by individuals, or more particularly identifiable families, are worth studying in their own right. It is notable that when studying them each one may seem slightly different. Although we look at these relationships through the mirror of a class of particularly formulaic documents, charters, it is a mistake to think that the relative uniformity of charters reflects a uniformity of strategies underlying

between Hagenau and Lembach in Alsace through his grants (*Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. nos 29 and 71) and the bulk of his witnessing (doc. nos 20, 79, 90, 117, 133 and 135; the location of the property in doc. no. 131 is unknown), with perhaps a concentration at Dauendorf, where he seems to have been involved with both attested churches: doc. nos 71 and 181. Of all Ado's witness attestations, only those to doc. nos 65 and 70, both grants of Richbald's, concern property identifiably outside this area.

[58] For Ado's role as a patron locally, see, aside from his frequent witnessing, *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 181.

[59] On the processes involved, see Innes, 'Practices of Property in the Carolingian Empire'.

[60] The possibility of success for this aspiration may be reflected in the fact one of Gerbald's likely sons, Ratramn, was in 788 a bishop (*Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 102), albeit of an unknown see, holding an office likely in the gift of the royal court.

the alienations of land that they record.[61] It is this mistake, this tacit assumption that there is an unidentified but apparently obvious reason for all gifts to churches, which is so often a flaw in work using charters as evidence. Charters, and particularly groups of charters, are best treated as narratives, detailing, where context is available, possible, if never certain, strategies of alienating land which grantors to churches adopted. These patterns tell us far more about past societies and history than assumptions about family relationships based on no firm evidence or narratives of political alignments which rely on linking disparate local groups together in a united picture. The descendants of Gundoin or the bald family and those like them are best understood by studying their actions, and contextualizing these locally; comprehending the historical impact of these distant and nebulous groups requires us not to try and fit them into big narratives, even though these narratives record events that affected these groups, as doing so loses what individuality the sources might allow them, but to treat each family, even each individual, as an object worthy of study on its own.

[61] *Contra* for example the more formulaically based approach of Bührer-Thierry, 'Formes de donations aux églises et stratégies des familles en Bavière'.

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Cistercian Charters and the Import of a Political Culture into Medieval Sweden

Erik Niblaeus

The earliest surviving charter from the kingdom of Sweden was issued at some point in the mid-1160s by the recently elected Archbishop Stephen of Uppsala (1164–85). Stephen was the first Swedish archbishop; metropolitan authority before him had rested in Denmark. Prior to his archiepiscopate, he had been a Cistercian monk at Alvastra Abbey. The charter contains his judgement on a dispute between a mother — a woman 'dedicated to God' — and her son, about his inheritance. Stephen's decision was in the mother's favour, and the charter contains a sizeable list of properties and incomes donated to a Cistercian abbey called Viby (including the abbey grounds) some sixty or seventy kilometres south of Uppsala. Stephen also took the opportunity to donate some of his own income to the abbey. The charter contains a witness list, headed by the Swedish king Karl Sverkersson (*c.* 1160–67), followed by four laymen, three provosts from nearby parts of the kingdom, and a general mention of worthies whose names there was not space to record. It was sealed both by the king and the archbishop.[1]

[1] *Svenskt Diplomatarium*, ed. by Liljegren and others, I: *817–1285* (1829), no. 51. All twelfth-century Swedish charters are published in this volume of this edition, unfortunately not quite up to modern scholarly standards. Note, however, that some changes and additions have been made to the electronic version: *Rikskarkivet: Svenskt Diplomatarium*, ed. by Ferm and others.

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A series of charters allows us to follow the Viby monks and their resources into the following decades: some time later, seemingly after the deaths of both mother and son, King Knut Eriksson (1167–95/6) took the monks into his protection, and confirmed the abbey's property, which now also included donations by Archbishop Stephen and others, as well as sales from two unidentifiable women.[2] Over time, King Knut's personal involvement in the monastery increased: he donated to it part of the fisheries at Älvkarleby, well known for their salmon yield. The donation appears to have been contested: Knut confirmed it on the request of a 'dux G..'.[3] Later he intervened on a large scale, and exchanged the monastic property in Uppland (north of present-day Stockholm) for land in Södermanland (south of present-day Stockholm), with fishing, hunting, foresting, and farming rights. The monks of Viby moved to Julita, where they would remain until the end of the Middle Ages. King Knut was taken into the fraternity of the monks, and was granted a place in their prayers and divine services, as their patron, founder, and defender.[4] He promised to defend them against all injustices, and soon found occasion to do so: the inhabitants of Älvkarleby sabotaged Julita's fisheries, and the king fined them twenty marks in restitution for the monks.[5] Knut continued to give and sell land and incomes to Julita over the following years.[6] What is probably the last surviving charter of King Knut's saw the king, in the presence of an impressive throng of lay and ecclesiastical worthies, confirming once again the monk's rights to the Älvkarleby fisheries, not to be reversed or declared invalid by any of his successors. This is also the earliest dated charter surviving from Sweden, confusingly to 1199, some years after the king's death. Scholars nonetheless take the charter for authentic, and the date for a mistake.[7]

It is unusual to be able to tell a story of this kind from twelfth-century Sweden, at least if one wishes to refer mostly to sources of some historical credibility: Sweden in the central Middle Ages is singularly lacking in written documentation. There are scattered glimpses rather than coherent narratives to contend with, and instead of trying to circumvent the fragmentary and the incomplete, the historian needs to be prepared and to embrace it and to appre-

[2] *Svenskt Diplomatarium*, ed. by Liljegren and others, I, no. 63.

[3] *Svenskt Diplomatarium*, ed. by Liljegren and others, I, no. 66.

[4] *Svenskt Diplomatarium*, ed. by Liljegren and others, I, no. 64.

[5] *Svenskt Diplomatarium*, ed. by Liljegren and others, I, no. 69.

[6] *Svenskt Diplomatarium*, ed. by Liljegren and others, I, nos 65, 67, 68.

[7] *Svenskt Diplomatarium*, ed. by Liljegren and others, I, no. 113.

ciate it in its own right. Perhaps not surprisingly, and probably for that reason, relatively few historians are concerned with medieval Sweden, and the subject remains — with the notable exception of St Bridget — mostly unknown to international scholarship.[8]

This is also the first thing which will strike any observer of the corpus of diplomas issued in twelfth-century Sweden: they are remarkably few in number (see Table 1). Some fifteen diplomas survive as single sheets, another three in a sixteenth-century cartulary; six of them may date from the early thirteenth century.[9] In addition, some fourteen twelfth-century papal diplomas issued for Swedish recipients survive, clearly of interest to twelfth-century Swedish affairs but of little value for understanding Swedish diplomatic practice.[10] One diploma for a monastery in the south of Sweden was issued by the archbishop of Denmark.[11] This situation persisted well into the thirteenth century: only by the 1250s does the curve begin to turn noticeably upwards. It should be noted

[8] By necessity, references in the following will be mostly in Swedish, although I have tried to refer to books and articles in more widely read languages when possible. There is now, however, fortunately and finally, a possibility for those with no Scandinavian language to get a detailed account of the political history of central-medieval Sweden, thanks to Line, *Kingship and State Formation in Sweden*. There are some introductions to the early Swedish medieval charters in German: Öberg, *Das Urkundenmaterial Skandinaviens*; Öberg, *Königliche Kanzlei und Diplomatik in Schwedenbis*, for the royal charters; and Fritz, 'Bischöfliche Diplomatik in Schweden vor 1250', for the episcopal charters. For introductions in Swedish, see above all Larsson, *Svenska medeltidsbrev*. Schück, *Rikets brev och register*, is fundamental, but does not consider the period before around 1240. See also Ljungfors, *Bidrag till svensk diplomatik före 1350*.

[9] Some possible *deperdita* could be added to this list: a thirteenth-century diploma (*Svenskt Diplomatarium*, ed. by Liljegren and others, I, no. 846) mentions a trading agreement established by King Knut Eriksson and Jarl Birger Brosa with Duke Henry the Lion of Saxony at some point, although it is not known by which means, or to whom, this was publicised; scraps gathered by sixteenth-century scholars of the nunnery of Vreta (known with certainty as a Cistercian house by the year 1162) could preserve traces of two twelfth-century donations, one potentially as early as the reign of King Inge the Elder in the years around 1100, the other from a few decades later. An influential scholarly tradition (beginning with Ahnlund, 'Vreta klosters äldsta donatorer') considers these notices authentic; in the opinion of the present author the issue needs sceptical review, but the historiographical context (surveyed by Nilsson, 'Det tidigaste klostret i Vreta') is complex, and there is far from enough space to conduct such a review here.

[10] *Svenskt Diplomatarium*, ed. by Liljegren and others, I, no. 89 was issued by Archbishop Absalon of Lund (1177–1201).

[11] The Swedish papal diplomas have yet to be properly gathered, dated, and published. Five survive in the original, and the cartularies of Uppsala and Linköping cathedrals contain copies of two and seven respectively: Winroth, 'Behovet av Scandinavia Pontificia'.

DS Signature	Issuer	Beneficiary	Date
51	Archbishop Stephen of Uppsala	Viby Abbey	1164–7
63	King Knut Eriksson	Viby Abbey	1167–85
66	King Knut Eriksson	Viby Abbey	1167–85
64	King Knut Eriksson	Julita Abbey	1167–85
65	King Knut Eriksson	Julita Abbey	1167–85
69	King Knut Eriksson	Viby/Julita Abbey	1167–95/96
68	King Knut Eriksson	Julita Abbey	1167–95/96
67	King Knut Eriksson	Julita Abbey	1167–95/96
71	King Knut Eriksson	Nydala Abbey	*c.* 1172–95
823	Birger Magnusson Brosa	Riseberga Nunnery	*c.* 1180–1202
824	Birger Magnusson Brosa	Riseberga Nunnery	*c.* 1180–1202
98	Archbishop Peter of Uppsala	Uppsala Cathedral	1188–97
113	King Knut Eriksson	Julita Abbey	Probably 1191
70	King Knut Eriksson	Nydala Abbey	*c.* 1192
102	King Sverker Karlsson	Nydala Abbey	1196–1208
826	Archbishop Olof of Uppsala	Uppsala Cathedral	1198–1206
116	King Sverker Karlsson	Nydala Abbey	*c.* 1200
115	King SverkerKarlsson	Uppsala Cathedral	1200

Table 1. The Corpus of Diplomas from twelfth-century Sweden.

that Denmark and Norway are not much better served in terms of survival of diplomatic material in this period: there are copies of Danish diplomas dating from the late eleventh century, but the earliest document surviving in the original is no earlier than the 1140s — this said, surviving twelfth-century diplomas are altogether more numerous and diverse than in Sweden. In Norway, the earliest charter (in the vernacular, unlike the Danish and Swedish material) is from the early thirteenth century only.[12] Both Norway and Denmark can boast of detailed and compelling narrative sources for twelfth-century history, however.[13] These have their own problems, but the contrast with Sweden, where the

[12] Öberg, *Das Urkundenmaterial Skandinaviens*, pp. 13–20; Larsson, *Svenska medeltidsbrev*, pp. 11. For an overview of the Danish situation, see Carelli, *En kapitalistisk anda*, pp. 266–78.

[13] Some of the most prominent are, for Denmark: *Chronicon Roskildense*, ed. by Gertz; Aggesen, *Brevis historia regum Dacie*, ed. by Gertz; Saxo Grammaticus, *Gesta Danorum*, ed. by Friis-Jensen; and for Norway: *Ágrip af Nóregskonungasǫgum*, ed. and trans. by Driscoll; *Historia Norwegie*, ed. by Ekrem and Mortensen; as well as Sturluson, *Heimskringla*, ed. by Aðalbjarnarson, and other Icelandic kings' sagas.

earliest efforts at extensive history-writing date from no earlier than the fourteenth century, is remarkable.

The second striking feature is the Cistercian connection: fifteen of the charters were issued for the benefit of Cistercian houses, the remaining three for Uppsala cathedral chapter. In some ways, this is unsurprising: the Cistercian order dominated the first century of monastic life in Sweden almost entirely. They first appeared in 1143, when a group of monks from Clairvaux settled in Alvastra in Östergötland and Nydala in Småland in the south.[14] A number of houses sprang up in the following decades, including the monasteries of Viby/Julita (the beneficiary/recipient of nine surviving twelfth-century charters) and Varnhem, and the nunneries of Gudhem and Riseberga. For Nydala, there are also enough surviving twelfth-century charters to get some impression of the fortunes of the monks in their new, and doubtless exotic, environment, of the land and revenues granted to them by kings and aristocrats, as well as of the problems they encountered.[15] Like Julita, Nydala had problems with disgruntled locals interfering with its fisheries.[16] The monks complained to Archbishop Absalon of Lund of 'hostile and wicked men' who attacked both the abbey's property and the monks themselves.[17]

Robert Bartlett has written of how strong but modifiable 'legal and institutional blueprints or models' were diffused from post-Carolingian Europe to its hinterlands in the High Middle Ages, effectively creating Europe as a comparatively homogenous cultural entity.[18] Certainly, the earliest Swedish charters conform to at least part of this pattern: they look little different from charters from elsewhere in Europe at this time, whether in terms of script, structure, or format. They fall rather well into Bartlett's four-stage 'sequence of charters in a newly documented region': first, documents concerning the area are issued by external actors (notably papal bulls); second, grants of land are made and

[14] On the history of the Cistercian order in Sweden, see notably Ortved, *Cistercieordenenog dens klostre i Norden*, II; and in English: France, *The Cistercians in Scandinavia*, pp. 27–42.

[15] The Nydala charters have been edited separately, with a commentary in English: *Diplomata Novevallensia*, ed. by Gejrot. Of the charters presently under consideration, *Svenskt Diplomatarium*, ed. by Liljegren and others, I, nos 71, 70, 102, and 116 are equivalent to Gejrot's nos 2, 1, 4, and 5 respectively.

[16] *Diplomata Novevallensia*, ed. by Gejrot, nos 1, 2, 4, 5, 13, 14, 15, 18, 19 (going well into the thirteenth century).

[17] *Diplomata Novevallensia*, ed. by Gejrot, no. 3 (*Svenskt Diplomatarium*, ed. by Liljegren and others, I, no. 89).

[18] Bartlett, *The Making of Europe*, p. 309.

documented by local ecclesiastics; third, local secular actors get involved, but the charters are prepared by the recipient; fourth, a local secular chancery of some sort comes into being.[19] Bartlett's given examples — from other European peripheries, some newly Christianized, some not: Pomerania, Silesia, Scotland, Ireland — also match the rough chronology of the Swedish (and general Scandinavian) development, with considerable emphasis on the central decades of the twelfth century.[20] The same period saw a significant increase in written documentation also in areas where charters had been around for centuries: England, France, or Rome.[21]

Thus far, the earliest Swedish charters, for all that they are few, seem to fit into a common pattern of 'Europeanization' at the eastern and northern European peripheries, oft-described and analytically very useful. But the Cistercian dominance and its implications still need to be accounted for, as does the role of the charters in twelfth-century Swedish political culture. The classic narrative of the expansionist Cistercians was of pioneers of forest clearance, masonry, technical innovation, and so on. Recently, this narrative has been criticized, with respect to Sweden notably by Anna Götlind, and she and other scholars have looked beyond the Cistercian sources themselves to see in what way the monks adapted to the surrounding land and made use of preexisting resources.[22] In view of the charters, however, issued in almost all cases for Cistercian houses, and in the others for a cathedral chapter whose first archbishop had himself been a Cistercian, the new monks clearly provided an incentive for a new conceptualization of privileges, property, and transactions. To what extent this was an essential replacement of an already existing oral culture for the same purposes, or only a complement, perhaps even applicable only within monastery walls, is not clear. The identifiable points of contact between the textual and oral cultures are still few.[23] Some hints of underlying oral ritual can be perceived: most notable is *Svenskt Diplomatarium*, no. 67, in which King Knut announced the donation and sale of a number of properties to Julita. The char-

[19] Bartlett, *The Making of Europe*, p. 283.

[20] Bartlett, *The Making of Europe*, pp. 284–85.

[21] See notably Clanchy, *From Memory to Written Record*, pp. 44–80.

[22] Götlind, *The Messengers of Medieval Technology?*.

[23] Ljungfors, *Bidrag till svensk diplomatik före 1350*, identified several oral rituals underlying the charters, but his identifications are often methodologically questionable: see the review by Johannesson, 'Rec av Å Ljungfors', p. 337. On oral elements, see however Larsson, *Svenska medeltidsbrev*, pp. 158–76, who has dealt with the subject in some detail.

ter contains two different lists of witnesses, for two different occasions: first to the *emptio* (purchase) of the land in question, second to the *scottatio*. The term *scottatio*, which can be found in several post-1200 charters, is a Latinization of the vernacular *skötning* — Swedish legal sources also know the term, but it is explained in the most detail in a Danish provincial law code, translated into Latin in the early thirteenth century, as a ceremony by which the seller of the land takes some of the soil, and puts it in the buyer's cloak, stretched out by assisting hands.[24] No. 64 — in which Knut proclaimed the exchange of lands which moved the Viby monks to Julita — also contains two witness lists, first for the exchange of the lands (*cambio*), then for the confirmation (*confirmatio*).

King Knut Eriksson looms large in the charter material: ten charters issued by him survive.[25] He is also, in more general terms, an important figure in what remnants we have of twelfth-century Swedish political history.[26] He reigned for almost thirty years — a uniquely long reign, although clearly contested at times, in the fractious twelfth-century kingdom. In fact, he is the only twelfth-century Swedish king known not to have suffered a violent death.[27] Knut's style of rule seems to at least mimic the trappings of Christian monarchy as found elsewhere in Europe: in addition to issuing charters, he sponsored monasteries and churches, issued the first coins minted in Sweden since the early eleventh century, and elevated his father Erik Jedvardsson (d. *c.* 1160) to the status of a politically potent royal saint. He established a trading treaty with Duke Henry the Lion of Saxony, and communicated with Henry II of England, the papacy, and apparently with the Byzantine emperor. As the charters show, he was able to gather much of the lay and ecclesiastical elites around him — on one occasion, towards the end of his reign, five out of six Swedish bishops, as well as 'all abbots, provosts, and noblemen of (his) kingdom'.[28]

[24] Larsson, *Svenska medeltidsbrev*, pp. 161–67.

[25] On King Knut's charters, see Larsson, *Svenska medeltidsbrev*, pp. 25–33.

[26] For an overview of Knut's reign in English, see Line, *Kingship and State Formation in Sweden*, pp. 94–104.

[27] It must be stressed that, for much of the century, who reigned when, where, and how is uncertain; but Kings Ragvald, Sverker the Elder, Erik Jedvardsson, and Karl Sverkersson are all reported to have been assassinated. Sverker the Younger died in battle, as did two Danish princes who appear to have claimed to rule at least part of Sweden, Magnus Henriksen and Magnus the Strong (Line, *Kingship and State Formation in Sweden*, pp. 69–150, on the power struggles of the twelfth and thirteenth centuries).

[28] *Svenskt Diplomatarium*, ed. by Liljegren and others, I, no. 113.

Six charters contain witness-lists, and help us to understand what people surrounded the king, and what people were made party to political decisions. This, it should be noted, does not always mean that it is possible to know what *sort* of the people they were — laypeople particularly are often mere names, if in some cases qualified by their place of origin or their family relations; one is called *comes*, another *dux* (Birger Brosa, on whom more below).[29] Thus we can conclude, for example, that Finvid Stryker was an important man — he appears in a prominent position in four of Knut Eriksson's charters, seemingly over a period of several decades.[30] But since we know nothing of what he did or to whom he was related, this takes us only so far. One charter was witnessed by the queen's brother Knut, but this is all we know of him.[31] We do not know the name of the queen or anything else about her family.[32]

Apart from the king, by far the most prominent personality in the twelfth-century Swedish charter is Birger Brosa, 'the smiling one'.[33] The nickname is only attested elsewhere: Birger Brosa has a bit-part in Saxo and Snorri, and appears in Conrad of Eberbach's *Exordium magnum Cisterciense* and in Henry of Livonia's *Chronica Slaworum*.[34] Birger's brothers Karl and Magnus appear regularly in the charters, his nephew Eskil once.[35] His attraction to Cistercian spirituality is evoked in the *Exordium magnum*, which noted the awe he felt when faced with the devotional zeal of Abbot Gerald of Alvastra: 'whenever I see Abbot Gerard looking at me, I am struck by such tremor', Birger said, 'as if my innermost secrets and thoughts lay fully open to him'.[36] Birger founded the nunnery of Riseberga, and is the only person from twelfth-century Sweden apart from the king and the archbishop known to have issued charters: *Svenskt Diplomatarium*, no. 823

[29] 'Wlf comes' witnessed *Svenskt Diplomatarium*, ed. by Liljegren and others, I, no. 51.

[30] *Svenskt Diplomatarium*, ed. by Liljegren and others, I, nos 64, 65, 70, 113.

[31] *Svenskt Diplomatarium*, ed. by Liljegren and others, I, no. 113.

[32] Note, however, that *Svenskt Diplomatarium*, ed. by Liljegren and others, I, no. 825, a papal letter of 1191 or 1192 from Celestine III, provides some interesting information on the queen and her relationship to King Knut.

[33] He witnessed all of King Knut's charters which have witness lists: *Svenskt Diplomatarium*, ed. by Liljegren and others, I, nos 64, 65, 67, 70, 113.

[34] Line, *Kingship and State Formation in Sweden*, pp. 100–02, 499–503, and references.

[35] Karl: *Svenskt Diplomatarium*, ed. by Liljegren and others, I, nos 65, 70, 113; Magnus: nos 65, 67, 70; Eskil: no. 67.

[36] Konrad of Eberbach, *Exordium magnum Cisterciense*, ed. by Griesser, IV. 29: 'Quacumque hora abbatem Gerardum me respicero considero, tanto timore concutior, ac si omnia secreta et abstrusa pectoris mei pateant oculis eius'.

records the foundational donation; no. 824 confirms to the locals the donation of a fishery in western Sweden.[37] No. 823 is one of the grander charters of those considered here, sealed and written in a large, proficient hand.[38] In both of his own charters, Birger is styled 'dux Sweorum'. In the royal charters he is once 'dux Sweorum', once 'dei gracia sweorum & guttorum dux', thus explicitly incorporating the southern half of the kingdom into his duchy, and making it clear that his power was not on a local, but on a 'national' — or perhaps better, borrowing a term from Susan Reynolds, 'regnal' — level.[39] Royal titulature wavered similarly between sometimes naming both parts of the kingdom (*Svealand* and *Götaland*), and sometimes only the one (invariably *Svealand*).

It is clear that Birger represented a lasting focus of political power in twelfth-century Sweden, and his family would remain central to the kingdom in the thirteenth. Swedish historians tend to call Birger Brosa the first *riksjarl*. 'Jarl' is Birger's title in vernacular sources, in Latin he appears mostly as *dux*, elsewhere as *comes*, and in Saxo's *Gesta Danorum* as 'Suetiæ dux', 'Suetiæ satrapa', and 'praefectus Gothorum'.[40] Saxo's sometimes peculiar aesthetics and his weakness for exotic and quirky terminology make it difficult to extract a coherent and consistent set of political offices from the *Gesta*, but the confusion of terms is nonetheless telling. Before Birger, so the traditional scholarly assumption goes, there were several jarls in Sweden, and it was a regional office — this was the situation in Norway, where evidence is more plentiful. The office was then supposedly institutionalized under Knut Eriksson, and, beginning with Birger Brosa, there was only one man in the kingdom carrying the title. Birger's descendants then inherited the title, ending with his nephew and namesake in the mid-thirteenth century, whose son became king, at which point the office of the jarl ceased to exist.[41] It is highly arguable whether there is evidence to

[37] On Riseberga, see Ortved, *Cistercieordenenog dens klostre i Norden*, II, 401–30 and Mattsson, *Riseberga kloster, Birger Brosa och Filipssönerna* (pp. 167–214, on Birger's donations specifically).

[38] Reproduced in Mattsson, *Riseberga kloster, Birger Brosa och Filipssönerna*, p. 209 and on the cover.

[39] *Svenskt Diplomatarium*, ed. by Liljegren and others, I, nos 113 and 70 respectively; Reynolds, *Kingdoms and Communities*, p. 254.

[40] *Dux* ('duke', or perhaps 'jarl'; see below) in the charters noted above; *comes* ('count') in *Svenskt Diplomatarium*, ed. by Liljegren and others, I, no. 852 (papal diploma from Alexander III, 1170s); Saxo Grammaticus, *Gesta Danorum*, ed. by Friis-Jensen, XI. 14 ('duke of Sweden'), XVI. 1 ('satrap/potentate of Sweden'), and XIV. 54 ('prefect of the *götar*').

[41] See Line, *Kingship and State Formation in Sweden*, pp. 175–89, for a critical survey of the development of the office of the jarl or *riksjarl* in the century between around 1150 and 1250.

support this model in the charter material: the vernacular title never occurs there, and it is symptomatic that when another *dux* pops up in a charter issued by King Knut, the editors of the *Svenskt Diplomatarium* have translated his title as 'hertig', duke, rather than jarl.[42] The charters certainly indicate Birger's highly privileged position alongside the king, but the level of formality and institutionalization is questionable. Indeed, overall the twelfth-century charters point, if anything, towards the lack of officialdom in the kingdom, or at least officialdom of the sort which could be measured by the rules of Latinate administration.

The handwriting of the twelfth-century charters awaits serious reconsideration. Intriguingly, Michael Gullick has connected them to a series of fragments of liturgical books, which he in turn has identified as typically Cistercian.[43] Overall, it seems reasonable to connect the twelfth-century charters not to a secular and administrative, but to a monastic or (in a few cases) ecclesiastical milieu. This is not to say that we can categorically conclude that all charters were produced by their beneficiaries: there are examples both of charters in the same handwriting benefiting the same community which probably have some years between them, and of charters in the same handwriting for different communities.[44] What is clear is that the surviving charters were to the benefit and interest of a rather small number of houses, and while it does not seem unlikely that there were Latinate scribes in the royal entourage, there is no evidence for an institution dealing with royal documents before the end of the thirteenth century, even if two bishops are titled *cancellarius* in two charters from the 1210s or 1220s.[45] In terms of handwriting, the charters are written by expert hands, but in fairly different scripts. The situation is similar from the diplomatist's point of view: the charters contain formulas that are by no means idiosyncratic or primitive by general European pattern, but their application varies, and it is difficult to see much coherence within the corpus. Recurrent formulas which could be said to be typical for Swedish documentary evidence do not appear before the mid-thirteenth century.[46] Overall, the charters seem not to

[42] *Svenskt Diplomatarium*, ed. by Liljegren and others, I, no. 66.

[43] Gullick, 'Preliminary Observations on Romanesque Fragments', pp. 64–67.

[44] Larsson, *Svenska medeltidsbrev*, p. 31.

[45] Schück, 'Kansler och capella regis under folkungatiden'; Öberg, *Königliche Kanzlei und Diplomatik in Schwedenbis*, pp. 5–9; cf. however Winroth, 'Behovet av Scandinavia Pontificia', pp. 92–93.

[46] Öberg, *Königliche Kanzlei und Diplomatik in Schwedenbis*, pp. 12–18.

diverge much from a typical Scandinavian pattern in this period where Latinate culture is expert, but nevertheless highly localized and limited to a fairly small number of individuals of disparate background.

The twelfth century marks an early climax in the diffusion of European culture, pushing its way through its previous boundaries, expanding into territories which until then had been pagan, illiterate, or simply different. But cultural change in the borderlands was seldom a matter of simple influence from the centre: processes of cultural adoption and adaptation are rarely straightforward. Robert Bartlett has been criticized for over-emphasizing violence as a motor of Europeanization, particularly with respect to Scandinavia, but the process was hardly characterized by fairness and cultural tolerance.[47] 'Civilization' and 'barbarity' are cultural constructs, but they were meaningful to contemporaries: popes and expansive Cistercians effectively contributed to creating assumptions of a hierarchical relationship between one area and another — of a centre, which, at any given time, was assumed to be in the process of achieving dominance over the periphery. On their part, rulers and magnates on the peripheries sometimes enthusiastically adopted forms of administration and documentation which looked impressive on parchment, but had little connection with practical reality. Charters are, in this sense, no direct indicator of cultural difference; and in some ways their most important value lies in the stories they tell — unusual glimpses into the lives, piety, and quarrels of twelfth-century Swedes. Their value as evidence of political change and their overall place within the discipline of diplomatic is more elusive. Timothy Reuter wrote of a medieval German *Sonderweg* — a turn towards regionalism and fragmented administration, to be contrasted with the increasingly centralized royal governments of France, England, and elsewhere.[48] The limits of the earliest Swedish charter material — difficult to connect to a formal, institutional government, dominated by the concerns of cloistered foreigners on the defensive against disruptive locals — seem perhaps to point to a similar turn. Reuter's list of kingdoms which, unlike Germany, are usually made out to follow some kind of Weberian 'modernization paradigm' in the centuries after 1100, tellingly did not include Sweden.[49] The pressure to create a coherent Swedish twelfth century

[47] See for example Borgolte, *Europa entdeckt seine Vielfalt*, p. 242. It is worth noting that the German title of Bartlett, *Die Geburt Europas aus dem Geist der Gewalt* ('The Birth of Europe through the Spirit of Violence'), takes this emphasis one step further.

[48] Reuter, 'The Medieval German Sonderweg?'.

[49] Reuter, 'The Medieval German Sonderweg?', p. 388.

is nonetheless strong: it is a time once thought to have signalled the 'birth of the nation', now to have been a seminal first step in the process of 'state formation'. Professional historians have vied with popular novelists in fashioning a story of clashing personalities and clear political conflict.[50] In scholarly literature which has made use of the earliest Swedish charters, the contrast between the disciplinary sobriety of diplomatic and the sometimes rampant speculation of imaginative historical reconstruction is particularly striking. It is important, all the same, not to relent to the pressure to make coherent narratives out of asides in Danish and Norwegian-Icelandic historiography or late medieval doggerel. The simplest narratives of the political history in this time and place are usually the worst, and it is therefore reassuring that the charters can add yet another element of mystery and complication to the story.

[50] Popular perception of the period in Sweden today is almost entirely guided by Jan Guillou's 'Arn Trilogy', now available in English translation: Guillou, *The Road to Jerusalem*, trans. by Paterson, Guillou, *The Knight Templar*, trans. by Paterson, and Guillou, *Birth of the Kingdom*, trans. by Murray.

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Meaning and Context: Moringus the Lay Scribe and Charter Formulation in Late Carolingian Burgundy

Charles West*

It is well known that 'private' charters, that is to say documents drawn up in the name of agents other than kings and popes, were written in a particular set of styles in Carolingian Francia. These styles can be described as formulaic, and indeed there survive from this period a number of collections of anonymized documents, known as formularies, that are ostensibly documentary templates, even though the precise relation of these manuscripts to actual documents of practice remains somewhat unclear.[1] Equally well known is that in the course of the tenth and eleventh centuries, Western Frankish documents became less and less confined by these traditions, and more inclined to express whatever transaction was involved in creative and innovative fashion. In short, the Carolingian charter formulary was gradually abandoned. Historians have traditionally interpreted this transition as a sign of decay, reflecting a wider breakdown of the social and legal order, but more recently, that interpretation has been robustly challenged, as we shall see.[2] This chapter intends to contribute to this discussion, one that raises a number of critical questions for the study of

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[1] For an up-to-date introduction to a burgeoning literature, see Rio, *Legal Practice and the Written Word*, and Brown, 'Die karolingischen Formelsammlungen', pp. 95–101.

[2] Guyotjeannin, '"*Penuria scriptorium*"', is the classic recent treatment of the issue.

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medieval documentary texts in general, by means of a case study, based around the expertise of a single ninth-century scribe.

Introducing Moringus the Lay Scribe

The year 882 was eventful for the Frankish kingdoms, marked by the death of several ruling kings and difficulties caused by pillaging bands of Vikings; but for the inhabitants of the village of Aiserey (about fifteen miles south of Dijon), disruption took a more immediate form. A married couple named Aroard and Fulchildis found themselves compelled to hand over a meadow in the village to the ecclesiastical institution of St-Étienne of Dijon, as compensation ('pro leudo') for the murder of a servant (*servus*) of St-Étienne named Archenrad.[3] Though this kind of transaction is familiar from templates in formulary manuscripts, there are few surviving documents that show it occurring in practice. In spite of its dramatic content, however, the dedicated historian of diplomatic is struck less by the charter's business, and more by the means of its production, for the scribe who produced it was a layman.

We can be confident of this because of a helpfully explicit statement in the charter, namely: 'I Moringus the layman (*laicus*) wrote and signed [this]', which is moreover matched by similar phrases in his five other surviving charters, each one recording his lay status.[4] Though all these charters survive only as copies (as discussed below), we can be reasonably confident that this word *laicus* was not an error on the part of the copyists.[5] It is not clear why Moringus

[3] The charters are most conveniently edited as an appendix to Courtois, *Les origines de l'hypothèque en Bourgogne et chartes de l'abbaye de Saint-Etienne*. The edition is unfortunately deficient in many respects, but a new edition of the main cartulary is in preparation by Hubert Flammarion. The text of this particular charter actually names the woman as Fuschildis, but this is probably a copying error for Fulchildis, under which name she appears in other charters.

[4] 'Ego Moringus laicus scripsi et subscripsi.' I am grateful to Karl Heidecker for checking the original manuscript's reading of this charter for me. Moringus *laicus* subscribes his five other charters as follows: 'scripsi et subscripsi, datavi' ('I wrote and subscribed and recorded the date'); 'presens fui, scripsi et subscripsi, datavi' ('I was present, wrote [...]'); 'praesens fui, scripsi, datavi'; 'interfui, scripsi et datavi' ('I was there, wrote and recorded the date'); and 'presens fui, scripsi et datavi'. These five charters, all concerning Saint-Bénigne, are edited in *Chartes et documents de Saint-Bénigne de Dijon, prieurés et dépendances*, ed. by Chevrier and Chaume, I: *VI^e–X^e siècles*, ed. by Chaume and others (1986), at nos 80, 97, 110, 113, and 122, respectively.

[5] The most plausible kind of error would be an erroneous expansion of an abbreviated form of *levita* (deacon). However, not only is *laicus* used of Moringus (and only him) across two independent cartularies, which elsewhere did specify when charter scribes were *levitae* (e.g. *Chartes et documents de Saint-Bénigne de Dijon, prieurés et dépendances*, ed. by Chevrier and Chaume, I,

was so insistent about his secular status, but whatever its rationale, the statement makes Moringus a remarkable figure. Lay scribes were not particularly uncommon in Frankish kingdoms in the eighth century. For instance, we know of one named Herirad, an 'influential local landowner' active in the Rhineland in the 770s and 80s who seems to have written at least three surviving charters.[6] Over the course of the ninth century, however, it becomes increasingly difficult to find scribes in the northern Frankish realms demonstrably working outside monastic and episcopal contexts, let alone ones who were not clerics at all. South of the Alps, documentary traditions were somewhat different, and it is generally believed that ninth-century scribes there were sometimes laymen; but while this is perfectly plausible, it should not be forgotten that this observation rests largely upon inference from the absence of clerical titles, rather than anything more positive.[7] In fact, Moringus is to my knowledge alone in this period in overtly advertising his lay status. In view of this uniqueness, it is on the face of it surprising that this Burgundian lay scribe has been rather neglected by historians.[8]

The explanation for this neglect is doubtless in part that although there are some 'private' charters from ninth-century Burgundy that survive as originals, Moringus's are not amongst them, and his charters are preserved only through medieval copies, not in their original form.[9] We do not, in other words, have at

nos 76, 78, 95), but Burgundian scribes from this period do not seem to have abbreviated *levita* in their charters: see for example *Documents nos 1 à 30: Paris, Bibliothèque Nationale de France*, ed. by Atsma and Vezin, doc. no. 2 (pp. 26–29, including facsimile), signed by a *Ratbodus laevita indignus*, written between 893 and 898.

[6] See Innes, *State and Society in the Early Middle Ages*, pp. 113–14.

[7] Brown and others, eds, *Documentary Culture and the Laity*, offers a balanced and authoritative discussion of the question: particularly relevant for this point is the contribution by Costambeys, 'The Laity, the Clergy, the Scribes and their Archives'.

[8] Benoît-Michel Tock mentions Moringus in two different publications: Tock, 'Les Actes entres particuliers en Bourgogne méridionale', p. 124, n. 24, and Tock, *Scribes, souscripteurs et témoins*, p. 279, n. 14.

[9] The texts of all surviving original charters kept in France and issued before 1121 have been collated by a team working at the University of Nancy II. This major database can now be freely accessed online, at *Telma: Chartes originales antérieures à 1121 conservées en France*, ed. by Tock and others. There are plans to make images of the documents available too. In the meantime, for a facsimile of a Burgundian charter contemporary with those of Moringus and dealing with a similar kind and level of transaction, consult *Documents nos 1 à 30: Paris, Bibliothèque Nationale de France*, ed. by Atsma and Vezin, no. 1 (pp. 23–25). This charter, issued in 880 to record a transaction between two married couples, includes two autograph subscriptions

our disposal the sheets of parchment touched by Moringus's hands. It ought to be acknowledged that this is a great loss from a strictly empirical point of view, since it means we can neither compare the scripts of his charters to ascertain whether Moringus had a deputy or whether any subscriptions were autographs, nor can we investigate forms of archiving as indicated by patterns of folding or dorsal notes, and we must also be mindful of the possibility of interpolation or other kinds of tampering by later copyists. There are methodological implications too, however. We must be conscious of the fact that we are obliged to study as doubly mediated texts (mediated through the medieval copies and, for practical purposes, again through the modern printed editions) what had originally been crafted, physical artefacts.[10] The documents themselves often make clear that their materiality demonstrably mattered to ninth-century contemporaries, so we should recognize that our understanding of Moringus's work can only ever be partial.[11]

There are nevertheless two mitigating factors which go some way to balance the lack of Moringus's original charters. The first, which does not seem to have been fully appreciated by those few who have paid passing attention to Moringus, is that his charters are preserved in not one but two medieval cartularies (collections of charters), one produced in the mid-eleventh century by St-Bénigne of Dijon, which records five of Moringus's charters, and one prepared by St-Étienne of Dijon a century later, which preserves the compensation document with which I began.[12] That there is no great difference in form or style between these charters provides at least some reassurance that the cartulary-makers did not alter Moringus's texts beyond recognition. A second mitigation is that the cartulary-maker of St-Bénigne was apparently as keenly aware as are we that a purely textual representation of a material object is a poor

(one by one of the two husbands) and some striking graphical marks (in particular a chrismon). Moringus's charters might have been very similar.

[10] This matter has been incisively addressed by Innes, 'On the Material Culture of Legal Documents'. I am grateful to Professor Innes for allowing me to see a draft of this paper before publication.

[11] For discussion of forms of charter documentation that did not necessarily involve single sheets of parchment, see Hodge, this volume.

[12] The St-Bénigne cartulary, probably produced in the 1040s, is housed in Dijon, Bibliothèque Municipale, MS 591; the cartulary of St-Étienne in question, the so-called 'First Cartulary', is kept in Dijon, Archives Départementales Côte-d'Or, G 125 (alternatively known as Cartulaire 21), and Moringus's charter is on fol. 9^{r}. For further details on the cartulary of St-Étienne, see Durnecker, 'Consécration d'autels et dépôts de reliques'.

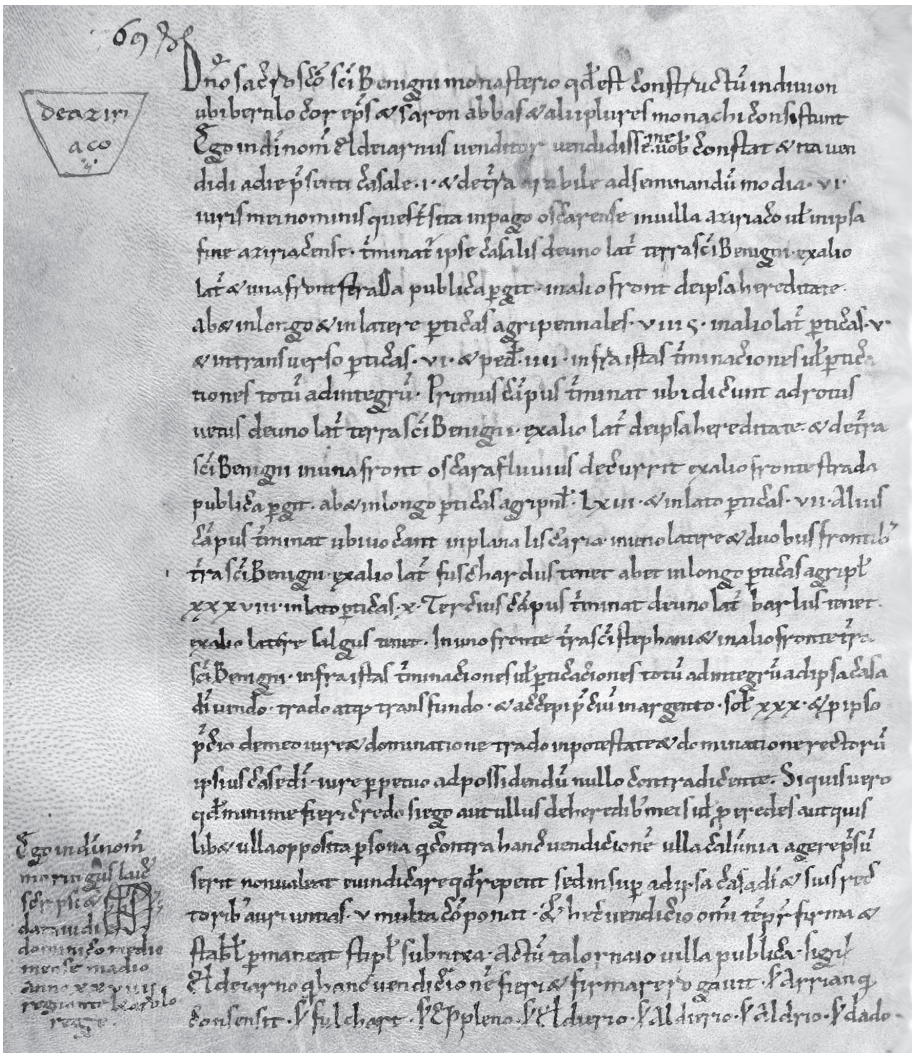

Figure 3. 'Cartulary of St-Bénigne'. Dijon, Bibliothèque municipale de Dijon, MS 591, fol. 96v. Mid-eleventh century. Reproduced with kind permission. The cartulary scribe has added Moringus's subscription clause in the bottom left margin, including an attempt to represent his graphical sign (perhaps a monographic 'subscripsi').

substitute for the real thing, and so went some way to reproducing the graphic marks and even layout of the original charters in his collection. The intention behind what has been described as a kind of photocopying *avant la lettre* seems

to have been to instil a kind of visual veracity into the record.[13] As a consequence, even if Moringus's charters themselves are lost, we do at least have an image of what they might have looked like (Figure 3).

The Village of Aiserey

Given the dual path of transmission of Moringus's charters, it seems unlikely to be entirely coincidental that each and every one of them concerns the village of Aiserey (Côte-d'Or), and that Moringus appears in no other context. It seems reasonable to assume that Aiserey was Moringus's base of operations. We are therefore fortunate that half a dozen other charters concerning Aiserey are preserved to complement those drawn up by Moringus, in aggregate giving us a reasonably detailed picture of this Burgundian village between 863 and 882, the period in which Moringus was active.[14] As a result, we can for instance make out something of the topography of the settlement. Aiserey had a series of sectors or zones within which land was located, such as the 'plana Liscaria' mentioned in a number of charters. The boundary clauses which occur in most of the charters, delineating the borders of the rights over land being transferred, suggest that individual plots in Aiserey were quite small, and that they were generally adjoined on at least one side by a public road ('strada publica').

Though there is no reason to assume that it was anything more than an agricultural settlement, Aiserey was a reasonably prominent one, since various institutions were represented there, including the two Dijon institutions of St-Bénigne and St-Étienne, St-Léger of Autun, an unidentifiable community of St-Pierre, and the local village church of St-Albin, though this fell at some early point under the patronage of St-Bénigne. In spite of the presence of these external institutions, the charters suggest that the heart of the village (as others)

[13] Heidecker, 'Crisis or Business as Usual?'. Dr Heidecker's forthcoming work on the Dijon manuscript, which contains both the chronicle and the cartulary of the monastery, sheds much light on how and why it was put together, and on its subsequent complex history.

[14] These charters are *Chartes et documents de Saint-Bénigne de Dijon, prieurés et dépendances*, ed. by Chevrier and Chaume, I, nos 71, 86, 88, 98, 100, and 101; they were copied into the cartulary as a group. The most recent analysis of ninth-century Burgundian society is the thought provoking Bruand, *Les origines de la société féodale*, but this book is anchored further to the south, and in a different archive. The older but still useful Deléage, *La vie économique et sociale de la Bourgogne*, uses Aiserey on numerous occasions precisely on account of the thickness of documentation. For a summary of the archaeology of Aiserey, unfortunately without direct bearing on the topic in hand, see *La Côte d'Or*, ed. by Provost, no. 5, pp. 346.

in this period was formed by small-scale local landowners.[15] From the fifty or so names mentioned in the charters, a good number recur within this twenty-year period in turn as neighbouring landowners, as witnesses, and sometimes as donors. Of course, not everyone resident in Aiserey was part of this 'gentry'. Wandelbert, for example, was a serf (*servus*) who was given to St-Bénigne with the admittedly token obligation of paying two pence or performing two days work.[16] Another Aiserey charter transferred six people called *mancipia* along with some land, namely Anseran, his wife Landilana and their children, and Walgis and his wife Telenna.[17] It may well be, as recent research has suggested, that the term *mancipium* tells us nothing about the real legal status of the people so labelled, and that we cannot assume these people were legally slaves.[18] Yet these families were clearly of lower social standing, neither invited to witness this charter nor appearing in others, and their day-to-day obligations are likely to have been more onerous than those of higher-status neighbours.

Amidst the details, a leading kin-group in Aiserey is dimly visible. St-Bénigne's interests in the village had begun early, and the community exchanged some land with a certain Fulcric in the 820s.[19] Some years later, Emperor Louis the Pious granted in 836 a demesne holding and five and a half dependent holdings in Aiserey to a certain Fulbert, a small grant in absolute terms but substantial at a local level.[20] In the 870s, the most active member of the village was a certain Fulcard, who is mentioned in six charters. There was also a Fulcrad in Aiserey at the same time, easily distinguished from Fulcard because the former was married to Teutbergis, the latter to Ermengardis. The repetition of the Ful-Fol elements within the same village makes it likely that these people were related in some way to one another. Admittedly not everyone who mattered in Aiserey was part of this network. For instance, a donor

[15] For a study of a Carolingian village even better documented than Aiserey, and with an apparently comparable social make-up, see Kohl, 'Gemeinde vor der Gemeinde?'.

[16] *Chartes et documents de Saint-Bénigne de Dijon, prieurés et dépendances*, ed. by Chevrier and Chaume, I, no. 97.

[17] *Chartes et documents de Saint-Bénigne de Dijon, prieurés et dépendances*, ed. by Chevrier and Chaume, I, no. 100.

[18] Renard, 'Les mancipia carolingiens étaient'.

[19] For a study of St-Bénigne in the ninth century, addressing the community's connections with the world beyond the cloister, see West, 'Unauthorised Miracles'.

[20] *Chartes et documents de Saint-Bénigne de Dijon, prieurés et dépendances*, ed. by Chevrier and Chaume, I, no. 47; Böhmer, *Die Regesten des Kaiserreichs*, ed. by Mühlbacher: I, no. 963. Fulbert had already held these lands as a benefice.

of lands in Aiserey named Mummius seems likely to have been a *vassalus* of the bishop of Langres, and probably had wider horizons. However, he had no sooner acquired land in Aiserey than he passed it on to St-Bénigne, and the suspicion must be that he bought it with the intention of making of the gift.[21]

The impression of Aiserey afforded by the charters is therefore one of a relatively close-knit community with a predominant kin-group, whose influence was not however all-encompassing, and which was in increasingly close contact with nearby churches. It is worth emphasizing that all the surviving charters concerning Aiserey were drawn up in order to transfer rights to ecclesiastical institutions, even those made by Moringus *laicus*. Of course, all these documents were selected for preservation by ecclesiastical institutions in ecclesiastical archives for their own purposes at various dates, and we can wistfully speculate on quite how much documentation from Aiserey has been lost as a result of these pressures of selection.[22] Recent work has suggested that the exclusively clerical transmission of early medieval charters has hitherto obscured a very active participation in documentary practice beyond the ecclesiastical world, a suggestion which Moringus's charters would seem to support.[23]

Yet the clerical focus of our records is not misleading insofar as it reveals that St-Bénigne in particular was slowly increasing its influence in Aiserey, manifested by its steady acquisition of plots of land there. After the ninth century, the world of small-scale landowners negotiating with regional monasteries fades from view. By the twelfth century, papal charters confirmed St-Bénigne's possession not just of particular holdings within the village, but of the village in its entirety. It is true that having consolidated this parcel of landholding, St-Bénigne was unable to hold onto it, but all that happened was that Aiserey changed hands as a bloc. Appearing again in documentary records in the thirteenth century, Aiserey was by that point under ducal control, forming part of the castellany of Brazey, and was included in the castellany's accounts rendered

[21] *Chartes et documents de Saint-Bénigne de Dijon, prieurés et dépendances*, ed. by Chevrier and Chaume, I, nos 100 and 101 (and no. 87 for the reference to Mummius as a *vassallus* of Bishop Isaac — he also appears in other charters that do not concern Aiserey). The chronicle of St-Bénigne states that he made the gift upon becoming a monk.

[22] The key work here is of course Geary, *Phantoms of Remembrance*. Note that the Louis the Pious charter mentioned above was not copied into St-Bénigne's cartulary, and survives as an original; it is not known when it passed into the Dijon archives.

[23] See Hummer, 'The Production and Preservation of Documents in Francia' (though the issue recurs throughout the book).

to the duke.[24] It is only in the fifteenth century, however, that, thanks to a *terrier* (a kind of estate survey), we can see the details of the lordship exercised by the seigneur of Aiserey, whose judicial rights presumably derived in theory or practice from the duke of Burgundy.[25] In short, we should be aware that the ninth-century charters about Aiserey allow us a glimpse of a village at a particular moment in a long historical trajectory; that things were in movement even as they were documented; and moreover that the charters themselves probably played an active role in that movement, cementing the monastery's tightening grip on the settlement.

Scribes and Formularies

The paragraphs above have sought to sketch the outlines of two important contexts for Moringus's charters, namely the textual transmission of the surviving documents through ecclesiastical institutions, and the changing 'small world' in which these artefacts were originally created, one composed of small-scale village landowners in touch with a range of ecclesiastical institutions.[26] It may not yet be clear how such contextualization has a bearing on the question of changing charter formularies. After all, historians interested in the 'collapse' of formulaic charter-writing in the post-Carolingian age have tended to concentrate upon that change, not what came before it. It is however the contention of this chapter that to understand the transition in diplomatic practice properly — a change fully attested, it should be noted in passing, by the archives of the institutions discussed here — we need to start by establishing a firm grasp on why formulaic phrasing was used in the first place. That is an issue for which a properly contextualized Moringus may indeed prove helpful.

Why was it desirable to have documents drawn up in a particular way in ninth-century Aiserey, or for that matter anywhere else in the Carolingian world? Though the question is one that is surprisingly little explored, it goes to the heart of the issue of the 'Carolingian formulary'. The tacit assumption used to be that it was necessary to draw up documents in a certain way

[24] Richard, *Les ducs de Bourgogne et la formation du Duché*, p. 320. An indication of the evidence can be gleaned from the *Inventaire Sommaire des archives départementales antérieures à 1790, Côte d'Or*, ed. by Garnier.

[25] Marie-Thérèse Caron, *La noblesse dans le duché de Bourgogne*, pp. 107, 114–15, citing a *terrier* from Aiserey stored in the archives at Dijon (B 12219).

[26] For the original phrase, see Davies, *Small Worlds*.

to comply with legal requirements. Yet while the details within ninth-century charters might be carefully scrutinized, and sometimes the scripts compared, there is to my knowledge no instance of a ninth-century Frankish document being rejected or classified as invalid purely on a technicality of formulation (or 'dictamen', to use the technical term). Historians have rightly tended to move away from the strictly legalist view of charters on which such a perspective depends, because in a world of 'substantive legalism', technicalities are unlikely to have carried much weight.[27]

With this in mind, it is not surprising that historians have recently begun instead to view the use of formulaic charter language as little more than a sign of hide-bound archaism. It is certainly the case that the precise phrasing of Carolingian-period charters, while responsive to local circumstances such as the presence or absence of particular kinds of resources like ponds or woodland, seems nevertheless sometimes to be at odds with what is known of the working of social relations on the ground.[28] This was an observation made forcefully by Jean Durliat, and one does not have to concur with the controversial inference he drew — that Carolingian charters are in reality describing not landholdings but still intact Roman fiscal and taxation systems, and so are dealing in exemptions rather than property — to perceive the problem which he identified.[29] No wonder then that historians with perspectives quite different from that of Durliat have come to stress the fundamental artificiality of Carolingian forms of documentation, suggesting that subsequent change in documentary practice was simply the product of writing practices less divorced from social reality, perhaps connected with monastic reform movements of the tenth and eleventh centuries, as they began 'shaking off the rigid and formulaic framework of the old *carta*'.[30]

[27] For substantive legalism, see Innes, 'On the Material Culture of Legal Documents', drawing here on the work of Stephen White. While Thomas Faulkner's forthcoming work, based on his 2010 PhD thesis, will re-evaluate the relation between the written word and Carolingian conceptions of law in a broad sense, Wormald, *The Making of English Law*, offers the best overview of the use of ninth-century Carolingian charters in legal conflict.

[28] For a parallel discussion, see McKinley, this volume.

[29] Durliat, *Les finances publiques de Dioclétien aux Carolingiens*. The book is best read together with Wickham, 'La chute de Rome n'aura pas lieu', translated as Wickham, 'The Fall of Rome Will Not Take Place', ed. and trans. by Little and Rosenwein.

[30] The quote comes from the fine study of Declercq, 'Originals and Cartularies', p. 165. The most prominent supporter of this interpretation is however Dominique Barthélemy, whose important work on what he has called the 'mutation documentaire' can be most conveniently sampled by the Anglophone reader in Barthélemy, *The Serf, the Knight and the Historian*, trans. by Edwards.

This is precisely where the example of Moringus is important, serving as a corrective for both sides of this debate. To begin with, we need to appreciate that charters from all periods can be seen as miniature histories, texts that tell stories about the past in order to shape the present and the future.[31] Taking our cue from the 'law and literature' tradition of modern legal scholarship, which concentrates on the way in which legal discourse constitutes a particular way of representing reality, we can view ninth-century charters (like other formal texts) as skilful translations of irreducibly specific circumstances into a schematic and universalized form of narrative.[32] This kind of disembedding was necessary if specific sets of claims over people and land were to be successfully transferred from one individual or community to another. Aroard and Fulchildis's control of a meadow in Aiserey, for example, was doubtless a very personal affair, with its own historical roots, caught up in and determined by particular relations with neighbours, patrons, and clients. The formulaic record of the transaction articulated that control, however, in abstract, dehistoricized terms and stripped it of those particularizing contexts, a step necessary if that control were to be effectively passed on as both donors and recipients intended.[33] The issue here was surely not, or not primarily, one of compliance with legal technicalities, but of promoting a particular understanding of how things 'really were', in order to enable a transfer.[34] It was in this process that Moringus's artisanal expertise lay. We can only speculate how he acquired it. Yet it was an expertise that quite probably determined his social standing since, in view of the confident execution of his documents, and given that none of the copious Aiserey charter material refers to him holding lands in this or any other village, he may well have been a professional scribe.

Crucially, the case of Moringus further suggests that this kind of expertise was simultaneously widely shared and locally embedded. Clerics at St-Bénigne (and other institutions) in the late ninth century certainly could and frequently did act as scribes and produce their own charters. One of them, Wulfard, in fact drew up some charters concerning Aiserey, one even made in the village itself

[31] Foot, 'Reading Anglo-Saxon Charters', is highly suggestive on this particular point, while McKitterick, *History and Memory in the Carolingian World*, offers a more general account of the uses of history in the ninth century.

[32] A classic work in this field is Brooks and Gewirtz, eds, *Law's Stories*.

[33] Cf. Innes, *State and Society in the Early Middle Ages*, pp. 117–18.

[34] Cf. Bedos-Rezak, 'Diplomatic Sources and Medieval Documentary Practices', though her interest in charters as clerical representations is obviously less relevant here.

in 870. Not only are the members of the village community there represented from the same familiar circles as those represented in Moringus's texts, but, even making allowances for the potential alterations made during the textual transmission, these charters are in style virtually indistinguishable from those made by Moringus. It would appear that there were not two ways of phrasing documents in ninth-century Burgundy, one religious and one secular, but rather that there was a single shared documentary culture, a point Kosto has developed in his work on tenth-century Catalonia.[35]

Unlike Wulfard, however, Moringus appears as an essentially local figure, as a lay scribe active only in and around Aiserey, perhaps connected to the family-grouping discussed above.[36] If transactions between local, secular landowners and a highly literate religious community were on occasion recorded by someone who was explicitly outside that religious community, it seems reasonable to assume that the initiative for this must have rested at least partially with those landowners.[37] The implication is that ninth-century charter-writing was not an archaic or irrelevant legacy of inadequate Roman forms cherished by a church a dozen miles away (or for that matter by the Carolingian state) and artificially imposed upon disengaged rural communities, but was rather a skill fostered within a late ninth-century Burgundian village, and valued by its inhabitants in their interactions with the wider world.[38]

This does not entirely contradict the idea that the shift in forms of charter production that took place in the post-Carolingian world was related to the growing dominance of monastic and episcopal scribes, at the expense of figures like Moringus. It does suggest, however, that that shift also depended on the redundancy of the expertise mastered by Moringus and others like him. To put this differently, if the 'Carolingian formulary' were to collapse, it needed no longer to matter precisely how records of transactions were drawn up, as it had to those ninth-century landowners in Aiserey. The form of representation in which Moringus was professionally trained had to become no longer necessary or appropriate in the eyes not just of the church, but also of local communities

[35] Kosto, 'Laymen, Clerics and Documentary Practices'. My thanks to Jon Jarrett for drawing my attention to this article; he makes a similar observation for ninth-century Catalonia in his chapter below.

[36] Cf the comments of Tock, 'Les Actes entres particuliers en Bourgogne méridionale', pp. 125–27, on independent (though clerical) scribes' associations elsewhere in southern Burgundy.

[37] See McKinley, this volume, for other reasons to think this at eighth-century Wissembourg.

[38] Cf. Jarrett, this volume, below.

like Aiserey which had been equally invested in these kinds of writing, to the extent of sheltering their own scribe. It is surely not insignificant that when Aiserey appears again in our documentation in later centuries, the central elements at stake were not the 'ownership' of fields and meadows and their circulation, but, as the *terrier* of Aiserey makes clear, judicial rights of a rather more intangible nature, representing a connection of property and power altogether different from that prevailing in the ninth century, and, one might suggest, more susceptible to expression on parchment. Moringus's mastery of a form of textual representation (and quite possibly of artefactual production, too), in other words, spoke to a specific historical configuration of social relations: as one changed, so necessarily did the other.

Conclusion

To move from an 882 charter recording compensation for a murder to the nature of Carolingian scribal practice and the implications this carries for how that practice changed is a long way to go in a short essay, and six charters about one village is a thin empirical basis upon which to base such generalizing arguments.[39] Moringus's charters obviously cannot in themselves offer a complete explanation for why a relatively rigid and formal means of expressing transactions should have been steadily abandoned in subsequent decades, nor should we lose sight of their intrinsic value simply as intriguing evidence for scribal practice in a corner of Carolingian Burgundy. We do not have to generalize from these charters for them to have value.

Nevertheless, even if they do not hold hidden keys to resolve the question of changing charter composition, Moringus's charters do at least carry implications for how we should approach these changes more broadly. Charters in ninth-century Burgundy, as for that matter everywhere, were attempts to capture and describe diverse local situations by means of a universalizing discourse, in order that these local situations could be acted upon and altered. What Moringus shows us is how deeply rooted a particular practice of representation was in the ninth-century northern Burgundian countryside. The fact that he was apparently not a cleric reinforces the impression that Carolingian Europe was a society shaped by literate practices at all levels, and it is to my mind unlikely that he was the only lay scribe in ninth-century Burgundy, as opposed

[39] For further investigation of some of the themes briefly addressed here, albeit in a different geographical context, see West, *Reframing the Feudal Revolution*.

to a uniquely documented one. Yet questions of typicality or representativeness are in any case beside the point for the argument here, since one case study is enough to show that artificial though they might have been (indeed necessarily were), Carolingian forms of textual representation could be locally meaningful, and locally appreciated.

It follows that in seeking to understand the process by which such practices came to an end, we cannot be simply dealing with the whimsy of monastic scriptoria conducting literary experiments, disconnected from wider realities. That whimsy may be part of the story, and charters are indeed narratives amenable to literary analysis and even elaboration, but they are also narratives that, as in this instance, had demonstrable local relevance. Accordingly, our understanding will not be advanced without first acknowledging that a change in such a deep-rooted representation necessarily implies a change in what was being represented, too. That is hardly a novel proposal, but it has a curious force when it comes to thinking about such authoritative, or authorized, representations of social relations as charters, which simultaneously shape what they are designed to show. Moringus's expertise was suited to a particular configuration of social relations, and cannot be divorced from that configuration, so to concentrate on either one element or the other will not permit a full grasp of the processes at work. For all that Moringus may be an unusual case, his charters do at least make clear that exploring a monastic 'takeover' of scribal production does not exhaust the issues raised by the fading out of Carolingian ways of writing charters.

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Comparing the Earliest Documentary Culture in Carolingian Catalonia

Jonathan Jarrett*

The imposition of Carolingian rule on what would become Catalonia is surprisingly obscure to historians.[1] The *Royal Frankish Annals* are our principal source for the process, but they end in 829 and their detail is largely military.[2] The Catalan counties themselves are devoid of most sorts of narrative for the Carolingian period.[3] Governmental initiatives that we know took place here are therefore hard to evidence. For example, the elimination of two of the area's bishoprics and the subjection of the remainder to the met-

* This chapter has been under construction for a long time and involves debts to many people, not least the late Patrick Wormald. It first took shape as a paper in the Problems and Possibilities of Early Medieval Diplomatic sessions of 2007, and I should thank those who offered feedback and commentary there. I was able to attend the conference, despite full-time employment, thanks to the kindness of the late Dr Mark Blackburn, and it is a matter of great regret that I can no longer thank him personally. I also owe debts of thanks to Dr Alice Rio for advice on formularies, then and subsequently, and to Drs Thomas Kitchen, Kathryn Thompson, Julie A. Hofmann, Morn Capper, and Frances Parton for support of more general kinds during a difficult time to be working. Subsequent discussions with Mr Graham Barrett and Prof. Wendy Davies have greatly improved my argument, and I must thank Allan Scott McKinley for a firm editorial hand. Despite all this help, only I can lay claim to the errors and faults that remain.

[1] No adequate account of the Carolingian conquest of the area yet exists in English; the reader is referred to Smith, '*Fines Imperii*: The Marches'. In Catalan the classic accounts are Salrach, *El procés de formació nacional de Catalunya*, and Abadal, *Els primers comtes catalans*.

[2] *Annales regni Francorum*, ed. by Kurze.

[3] See Bisson, 'Unheroed Pasts'.

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Table 2. Preservation of charter material from before 900 in Catalonia (with maximum numbers, given uncertain dating, in brackets).

	Sales	Donations	Exchanges	Precepts	Court records	Testamentary records	Consecrations	Other	Total
800–804	0	0	0	0 (2)	0	0	0	0	0 (2)
805–809	0	2 (3)	0	0 (2)	0	0	0	0	2 (5)
810–814	0	0 (1)	0	1 (3)	0	0	0	0	1 (5)
815–819	3	1 (2)	0	1	1	0	0	0	7 (8)
820–824	1	0 (1)	0	4	0	0	0	0	5 (6)
825–829	1	2 (3)	0	0	0	0	0	0	3 (4)
830–834	2	3 (4)	0	4	1	0	1	0	11 (12)
835–839	3	2	0	3	0	1	1	0	11
840–844	5 (6)	2	0	11	6	1	0	0	25 (26)
845–849	18 (19)	2	0	2	1	0	0	0	24 (25)
850–854	6 (7)	4	1	2	1	0	0	0	14 (15)
855–859	5 (6)	3	1	2	1	0	2	0	14 (15)
860–864	8	1	0	3	0	0	0	1	13
865–869	9	5 (6)	0	6	1	1	0	0	23 (24)
870–874	4	4 (5)	0	4	2	0	0	0	14 (15)
875–879	8	5 (7)	0	5	11	2	0	0	32 (33)
880–884	8	3 (5)	0	3	1	0	0	0	15 (16)
885–889	17	4 (7)	2	4 (5)	3	0	3	0	35 (37)
890–894	18	4 (6)	1	4 (5)	4	1	2	0	38 (40)
895–899	19	4 (6)	1	6	4	1	2 (6)	0	37 (43)
Total	**133**	**55**	**6**	**68**	**37**	**7**	**11 (17)**	**1**	**339 (345)**

ropolitan of Narbonne is evident by the 880s but is not recorded previously.[4] Thus also the withdrawal of the Mozarabic liturgy and its replacement with a Frankish one, usually attributed to Bishop Frodoí of Barcelona (862–78), or the imposition of the Benedictine Rule over the area's monasteries, stated in individual cases but assumed to be general.[5] The balance of interpretation is therefore free to swing from deep Visigothic continuity, slowly developing

[4] Clearly stated first in *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. no. 75. For context see Riu, 'La organización eclesiástica'.

[5] Bishop Frodoí: Feliu, 'Els inicis del domini territorial de la seu de Barcelona', pp. 46–48. Benedictinism: Abadal, 'El renaixement monàstic a Catalunya després de l'expulció dels Sarraïns'.

into conscious national difference, to rapid incorporation into a monolithic Carolingian state, with liturgy and personal names among the few remnants of the pre-Muslim past.[6]

The lack of narrative sources is, however, offset by a superabundance of charter material.[7] These cannot, admittedly, supply a detailed political history, but they offer clues to the kind of government the Carolingians brought to the new province in the formulae from which the documents are constructed. Continuity and change in this sphere inform us about the nature of the Carolingian take-over. Was it a soft-touch adoption of a local administration, or a conquest by force resulting in top-down abolition of non-Carolingian peculiarity?[8] The documents suggest an answer.

The Nature of the Material

It must be clarified immediately, however, that the vast bulk of this abundant documentation dates from the tenth century, and mainly its second half. Preservation from the Carolingian conquest up to the year 900, by which time the Carolingian kings were basically unable to intervene directly so far south, numbers just under three hundred and fifty documents, which break down as in Table 2.[9]

[6] Compare Udina, 'El llegat i la consciència romano-gòtica', with Balaguer, 'Introducçio: Catalunya'.

[7] See Kosto, 'Laymen, Clerics and Documentary Practices', p. 44.

[8] The latter argued by Martí, 'Conquistas y capitulaciones campesinas'. For a similar enquiry on other frontiers, see McKitterick, 'Unity and Diversity in Carolingian Administrative Practice'.

[9] This total includes only documents in printed edition. Due to the Catalunya Carolíngia project's efforts in collecting this material, this means that it is complete, or very nearly complete, for the counties and *pagi* of Pallars, Ribagorça, Osona, Manresa, Girona, Besalú, Empúries, Peralada, Rosselló, Conflent, Vallespir, and Fenollet, those printed in *Els comtats de Pallars i Ribagorça*, ed. by Abadal, II: *Diplomatari*, *Els comtats d'Osona i Manresa*, ed. by Ordeig, *Els comtats de Girona, Besalú, Empúries i Peralada*, ed. by Sobrequés, Riera, and Rovira, and *Els comtats de Rosselló, Conflent, Vallespir i Fenollet*, ed. by Ponsich. *Els diplomes carolingis a Catalunya*, ed. by Abadal, collects the royal documents. Material from the county of Urgell has also been intensively gathered by local historians: editions with pre-900 material from the area are 'Diplomatari del monestir de Sant Climent de Codinet', ed. by Baraut; 'Les actes de consagracions d'esglesies del bisbat d'Urgell', ed. by Baraut; 'Diplomatari del monestir de Sant Sadurni de Tavèrnoles', ed. by Baraut; and 'Els documents conservats a l'Arxiu Capitular de la Seu d'Urgell', ed. by Baraut, which may be most of the preservation. The substantial omissions are the upland county of Cerdanya and lowland Barcelona, but even here the principal archives with pre-900 material have been edited in *Diplomatari de la Catedral de Barcelona*, ed. by Fabregà, and Abadal, 'Com neix i creix un gran monestir pirinenc abans de l'any mil', Apèndix.

Map 1. Map of the Catalan counties in the tenth century, by Jonathan Jarrett and Philip Judge. Taken from Jarrett, *Rulers and Ruled in Frontier Catalonia*, p. 3.

Because the sample is so small, spikes can be caused by single factors. To point at two obvious ones, the booms in royal precepts around 844 and in the 860s are accounted for by the unusual presence of King Charles the Bald in the south of his kingdom at these times, causing numerous parties to seek documents

from him.[10] More trivially, the sudden burst of sales in the late 840s is due to the determination of the monastery of Alaó, in Pallars, to acquire interests in one village; only one sale from this period does not come from that campaign.[11] In these cases and others, the lack of countervailing preservation has probably over-emphasized such outliers.

Nonetheless, some basic conclusions about the evidence seem justified: firstly, that it is nearly half sales but that these are hardly preserved until halfway through the period; secondly, that donations and royal precepts feature roughly equally and fairly continuously throughout; and thirdly, that other sorts of material are not preserved in significant numbers.

It is also possible to analyse the material regionally (see Map 1). Here, a summary conclusion might be that preservation is earliest, and therefore largest, closer to the Pyrenees, especially if one allows for the near-total loss of the archive of Sant Andreu de Eixalada in 877, meaning that preservation at its successor Sant Miquel de Cuixà begins only in 875.[12] The counties of Pallars, Ribagorça, and Urgell dominate the early sample; Empúries and Rosselló contribute rather less due to the loss of the Eixalada documents and poor preservation at the cathedral of Elna.[13] Barcelona, furthest south, preserves almost nothing before the 890s, and Osona, Manresa, and the semi-autonomous Ripollès,

[10] See Salrach, *El procés de formació nacional de Catalunya*, I, 116–20 and II, 27–33, and *Els diplomes carolingis a Catalunya*, ed. by Abadal, for details of the documents obtained. Nelson, *Charles the Bald*, pp. 139–41 and 211–12, provides Frankish context.

[11] *Els comtats de Pallars i Ribagorça*, ed. by Abadal, II: *Diplomatari*, doc. nos 20–28, 30–32, and 34–38, doc. no. 29 being a sale to the monastery of Lavaix.

[12] See Abadal, 'Com neix i creix un gran monestir pirinenc abans de l'any mil'.

[13] Omitting royal documents, for which see *Els diplomes carolingis a Catalunya*, ed. by Abadal, and the chronological conspectus in its indices, the sample from these counties is as follows: Pallars-Ribagorça: *Els comtats de Pallars i Ribagorça*, ed. by Abadal, II: *Diplomatari*, doc. nos 1–6, 8–10, 11–17, and 19–94; Urgell: *Els comtats de Rosselló, Conflent, Vallespir i Fenollet*, ed. by Ponsich, doc. no. 136, 'Les actes de consagracions d'esglesies del bisbat d'Urgell', ed. by Baraut, doc. nos 1–9, 'Diplomatari del monestir de Sant Climent de Codinet', ed. by Baraut, doc. nos 1–12, 'Diplomatari del monestir de Sant Sadurni de Tavèrnoles', ed. by Baraut, doc. nos 1–4, 6, and 7, 'Els documents conservats a l'Arxiu Capitular de la Seu d'Urgell', ed. by Baraut, doc. nos 3, 8, 9, 18, 19, 21–30, 32, 33, and 35–41, Petrus de Marca, *Marca hispanica*, appendix II, Villanueva, *Viage Literario a las Iglesias de España*, and 'Els documents dels segles X i XI de l'Arxiu Capitular de Solsona', ed. by Llorens, doc. no. 1; Empúries: only *Cartoral de Santa Maria de Roses*, ed. by Marqués, doc. no. 53; Rosselló: *Els comtats de Rosselló, Conflent, Vallespir i Fenollet*, ed. by Ponsich, doc. nos 17, 27, 34, 35, 49, 53–5, 58, 60, 61, 66, 73, 80, 81, 92–5, 97, 105, 107, 120–31, 134–36, 141, 142, 145, 146, 150–53, 155, and 157, most of these being abstracts in an inventory of the lost cartulary of Elna cathedral.

CC3 20 (Pallars, 845)	*CC6 105 (Rosselló, 877)*
In nomine Domini. **Ego Blandericus** **vobis Centullo abbati monasterii Sancte Marie quod dicitur Alahone, et monachis ibidem Deo servientibus, presentibus et futuris**.	**In nomine Domini**. **Ego Unovinus, vinditor** **vobis Suniario et uxori tue Virgilia**, emptoribus.
Certum quidem et manifestum est enim quoniam sic mihi placuit et placet in animo meo, nullus quoquegentis imperio nec suadentis ingenio sed propria expontanea mihi hoc accessit bona voluntas, ut vobis iam dicto abbati et monachis in predicto monasterio Deo famulantibus **vindere debere**,	Constat me vobis **vindere deberem**,
sicuti et vindo, terra **in territorio Orritense, in villa que dicitur Olobe; vindo vobis ibidem terra** quam habeo ex comparationem de hominem nomine Kalderedo; est ipsa terra Sanzione modiatas tres;	**sicuti et per hanc vindo vobis, in territorio Helenense, in villa Pallagiano, in alveum Tete, vindo vobis molino** cum suo rego ad currendum vel discurrendum et cum suo caputaquis qui est in villa Campiliano, cum aquis aquarum, vieductibus vel reductibus, introitu vel exia.
et coniungit ipsa terra ex una parte et ex altera ad terra de vos iam dictos monachos et de tercia parte et quarta ad terra qui fuit Rachoni.	
Vindo vobis ipsa terra ab omni integritate in aderato et definito precio, id est .II. solidos et .IIII.^{or} argenteos, et **nichil de ipso pretio** penis vos **non remansit, est manifestum**.	**Vindo vobis in ipso molino** quem habeo cum heredes meos vel cum Salviolo porcionem michi debitam et ipsa mea porcione octava pars in ipso molino, in hec omnia superius scripta resonant vindo **ab omni integritate**; et accepi ego de vos emptores precium quod inter nos placuit atque convenit **in aderato et definito precio** denarios X, tantum quod vos emptores michi dedistis, et ego vinditor de presente manibus meis recepi, et **nichilque de ipso precio non remansit, est manifestum**.
	Quem vero iamdicto molino, sicut superius resonat per racionem meam de meo iure in vestro trado dominio et potestate habendi, vindendi, cedendi vel comutandi, et quidquid que exinde facere vel vindicare volueris maneat vobis firma potestas.
Si quis sane quod fierit minime credo esse venturum, quod si ego Blandericus aut aliquis de fratribus meis vel quislibet homo vos Centullo abbate aut monachis tuis inquietaverit **partique vestre ipsa terra dupplo** vobis componat, et in antea **ista carta venditionis firma permaneat**.	Qui contra hanc vindicionem venerit ad irrumpendum aut ego ipse venero, inferam vel inferant vobis aut **partique vestre ipso molino** sicut superius resonat in ipsis locis quantum ad eo tempore et die fuerit immelioratus, **duplus** perpetim habendus, et **hec vindicio firma permaneat**.
Facta carta venditionis .vi.^{o} kalendas iulias, anno .vi.^{o} regnante Carulo rege.	**Facta vindicione xvi^{o} kalendarum augusti, anno xxxvii^{o}, et in secundo regnante domno nostro Karulo imperatore**.

CC3 20 (Pallars, 845)	*CC6 105 (Rosselló, 877)*
Signum Blanderici, qui hanc cartam venditionis feci et testibus tradidi ad roborandum.	**Sig+num Unovinus, qui hanc vindicionem feci et** testes firmare rogavi.
Signum Frinilani. Signum Donazani. Signum Eniani. Signum Indiscli. Signum Eleti. Signum Sclubani. Christianus presbiter hoc scripsit sub **die et anno que supra**.[a]	**Sig+num Waldefredus presbiter. Sig+num Helenus. Sig+num Duraviles. Margaritus presbiter**, qui hanc vindicionem scripsi et subscripsi **die et anno quod supra**.[b]

[a] 'In the name of the Lord. I Blanderic to you, Abbot Centoll of the monastery of Holy Mary which is called Alaó and the monks serving God there, at present and in future. For it is certain and clear that thus it has pleased and pleases me in my heart, compelled by no-one's force nor by the cunning of suasion but properly and spontaneously by good will did this occur to me, that I ought to sell to you the already-said abbot and monks worshipping God in the aforesaid monastery, and so I do sell, land in the territory of Orrit, in the *villa* called Olbe; I sell land there to you that I have from a purchase from a man named Caldered. This land of Sanç is three *modiatas*, and this land meets on one side and on the other the land of you the already-said monks and on the third side and the fourth the land that was Racó's. I sell to you the selfsame land in all integrity for a fixed and definite price, that is, two *solidi* and four *argenteos*, and nothing of this price remains in your possession and it is manifest. If indeed anyone, truly, what I hardly believe shall be brought about, that if I Blanderic or any of my brothers or any man at all should disturb you, Abbot Centoll, or your monks, let him compound that land twofold to you or your part, and as before let this charter of sale firmly endure. Charter of sale done the 6th Kalends of July, in the 6th year of the rule of King Charles. *Signum* of Blanderic, who have made this charter of sale and have handed it to the witnesses for confirmation. *Signum* of Frinilà. *Signum* of Donazà. *Signum* of Enyà. *Signum* of Indiscle. *Signum* of Eleti. *Signum* of Esclúa. Christian, priest, wrote this on the day and year as above.'

[b] 'In the name of the Lord. I Onoví sell to you Sunyer and your wife Virgília, buyers. Let it be clear that I ought to sell to you and thus and by this do I sell to you, in the territory of Elna, in the *villa Pallagiana*, on the River Tec, I sell to you a mill with its race, running in and out, and with its water source, which is in the *villa* of Campelles, with streams of waters, channels, and tunnels, entrance and exit. I sell to you my due portion in the selfsame mill which I have with my heirs and with Salviolo, and my portion is an eighth part in the selfsame mill. All these things described in writing above I do sell in full integrity, and I have accepted from you the buyers a price which is agreed between us and suitable, a fixed and definite price of ten *denarii*, as much as you the buyers have given me and I the seller received at the present time into my hands, and nothing of the selfsame price remains and it is manifest. Over the which mill already said, indeed, just as is described above, by my reason I do transfer from my right to yours dominion and the power to have, to sell, to cede or to exchange, and for whatever you should wish to do or justify with it, you shall have and there shall remain with you firm power. Who should come against this sale to disturb it, or I myself so coming, let me bear or they bear to you or your part the selfsame mill just as is described above, whatever in the selfsame places at that day and time may have been increased, twofold for your perpetual possession, and let this sale remain firm. Sale done the 16th Kalends of August, in the 37th year and the 2nd of the rule of our lord Emperor Charles. Signed Onoví, who have made this sale and asked the witnesses to confirm. Signed Waldefred, priest. Signed Elno. Signed Durabiles. Margarit, priest, who have written and subscribed this sale on the day and year as above.'

between Barcelona and the mountains, nothing before the 880s, although they are quickly prolific thereafter.[14] The counties of Besalú and Cerdanya preserve nothing so early. Girona is the hardest to judge, since the recording institutions here have largely preserved royal documents and almost none of other kinds.[15] Presumably lesser documents were in use here, but we have little by which to assess them.

Furthermore, in attempting to characterize local documentary usages, the royal documents, all issued according to *mores* set elsewhere, cannot help us.[16] We must therefore focus on the sales and the donations, which exist in sufficient numbers that a sense of what is usual and what is variant can be obtained. Examination of these documents does indeed give a sense of consistency in the March's documentary usages: it is not the case that a single set of formulas was in use for each document type, but two or three models do predominate. The comparison given on pages 94–95 attempts an impression of this situation, showing the formulae shared between two sale documents (in bold face).[17]

It is fairly obvious that even where the two charters do not share text, they share an idea of what should be said which they have merely expressed differently; it is what is included or excluded from this 'common stock' that determines their differences. Thus, the Alaó scribe of the Pallars document thought it wise to include a boundary clause, although his colleagues did not always do

[14] The sample from this zone comprises: from Barcelona: *Diplomatari de la Catedral de Barcelona*, ed. by Fabregà, doc. nos 4 and 5, and *Els comtats de Girona, Besalú, Empúries i Peralada*, ed. by Sobrequés, Riera, and Rovira, doc. nos 12, 35, 57, and 93; from Osona: *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. nos 2, 3, 5, 7, 9, 11–13, 15, 18–23, and 30–34, and *Els comtats de Girona, Besalú, Empúries i Peralada*, ed. by Sobrequés, Riera, and Rovira, doc. nos 74, 79, and 88; from Manresa: *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. nos 36 and 38, and Udina, *El Archivo Condal de Barcelona*, doc. no. 6; from the Ripollès: *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. nos 4, 6, 8, 10, 16, 17, 24–6, 29, 35, 37, 39, 41, and 43, *Els comtats de Girona, Besalú, Empúries i Peralada*, ed. by Sobrequés, Riera, and Rovira, doc. nos 17, 96, and 101. Osona and Manresa were only reattached to central government in 879, after Osona revolted in 826, so earlier preservation was always unlikely; see Abadal, *Els primers comtes catalans*, pp. 73–114.

[15] Here used: *Els comtats de Girona, Besalú, Empúries i Peralada*, ed. by Sobrequés, Riera, and Rovira, doc. nos 7, 18–21, 30, 32, 52, 53, 56, 59, 63–6, 68, 78, 80–84, 86, and 90–92.

[16] See Kikuchi, this volume, for an example of a study of those *mores*, and now Koziol, *The Politics of Memory and Identity*.

[17] Donations in this area pre-900 do not differ substantially from sales except that sales include a price clause. A pious *arenga* and other variations become more common in donations later, but then so does their preservation.

so; the Elna-area scribe of the Rosselló document did not, although it was usual there.[18] On the other hand, the circumstance of the disposal of only shares in a mill forced the Elna scribe to go into more detail concerning the exact rights transferred, and he also gave more detail about the handing over of payment. Both scribes knew that a standard penalty for infraction of a sale was the repayment of double the goods concerned, but they chose different ways of phrasing the sanction. Their *data*, *rogationes*, and scribal signatures do the same jobs, but for the latter two they made different choices of phrasing.[19] Nonetheless, their occupation of the same documentary milieu is clear.

Few Catalan documents would differ from this pattern in their final clauses, even later on; charters here were consistently dated by Carolingian kings, and when no Carolingians ruled, by others, albeit with reluctance.[20] In most other diplomatic features variation occurs, but it is often variation towards uniformity. For example, the *sanctio* in the Pallars document quoted above features an awkward enjambement with the subclause beginning 'Quod si [...]', and increasingly over the tenth century scribes would choose to omit the estimation of the negligible probability that the clause would be needed and would simply begin the *sanctio* with the 'Quod si [...]' clause.[21] As for the choice of *arenga* versus *notificatio*, both can be found in other documents, although regional biases are evident, as is demonstrated below.

There are also features where practice was still more regional. This is clearest with the descriptions of the boundaries of properties. In Pallars, these were rarely given in detail, two sides often being sufficient.[22] Other documents are

[18] For example, *Els comtats de Pallars i Ribagorça*, ed. by Abadal, II: *Diplomatari*, doc. nos 22, 24, and 26, all by the priest Comendat, do not use boundary clauses, but his *Els comtats de Pallars i Ribagorça*, ed. by Abadal, II: *Diplomatari*, doc. no. 21, does. *Els comtats de Rosselló, Conflent, Vallespir i Fenollet*, ed. by Ponsich, doc. nos 66, 95, and 107 all use boundary clauses, but the largely partial preservation of the documents from Elna hampers evaluation.

[19] Here and in what follows I borrow formulaic terminology from Härtel, *Notarielle und kirchliche Urkunden*, pp. 34–39, though his is also used more widely.

[20] Feliu, 'La cronología según los reyes de francos en el condado de Barcelona'.

[21] Compare *Els comtats de Pallars i Ribagorça*, ed. by Abadal, II: *Diplomatari*, doc. no. 20 above, with, e.g., *Diplomatari de la Catedral de Barcelona*, ed. by Fabregà, doc. no. 10, or *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. no. 1226. Zimmermann, *Écrire et lire en Catalogne*, I, 348–422, provides an extensive discussion of *sanctiones* with many more examples.

[22] Thus *Els comtats de Pallars i Ribagorça*, ed. by Abadal, II: *Diplomatari*, doc. nos 13, 14, 16, and 19, also 'Els documents conservats a l'Arxiu Capitular de la Seu d'Urgell', ed. by Baraut, doc. no. 9.

more complete, attempting to name all the neighbours as here.[23] The phrasing of such clauses varied not by region but by institution. The cathedral of Sant Pere de Vic, in Osona, favoured bounds located by compass points, for example, always four of them though not all properties can have been quadrangular, while the nunnery of Sant Joan de Ripoll tended instead to record boundaries numerically, 'de uno latere, de alia latere, de tercia latere, de quarta latere'.[24] Scribes writing for Sant Joan were happy to leave out a boundary or add more if the property in question seemed to require it.[25] Sant Joan was in Vic's diocese, Vic bishops consecrated the churches it built, and some Sant Joan charters most likely record transactions made at the cathedral.[26] Representatives from each place presumably heard the other's charters read, but they chose to preserve their own practices anyway.

We are looking, therefore, at a complex situation of normalizing authority. The scribes who wrote these documents knew how a charter should run, but saw room in this pattern for local habits and their own preferences.[27] Quantifying this commonality and variation mathematically, given the variations of wording and spelling, is impossible without focusing on tiny parts of the documents, which is attempted below, but a reader of more of the documents concerned will hopefully agree with the present writer that these are fairly typical texts. So, whence had their models come?

[23] For example, *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. no. 367: 'Et afrontat ipsa vinea de parte orientis in strata que pergit ubique, et de meridie in torrente, et de occiduo in vinea de nos donatores, et de circii similiter in vinea de nos donatores' ('And this vine bounds: from the eastern part on the street to everywhere, and from the south on a torrent, and from the west on the vineyard of us the donors, and from the last part similarly on the vineyard of us donors').

[24] 'From one side, from another side, from the third side, from the fourth side.' Compare n. 23 above or e.g. *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. nos 473 or 561 from Vic with doc. no. 229 from Sant Joan, or indeed *Els comtats de Rosselló, Conflent, Vallespir i Fenollet*, ed. by Ponsich, doc. no. 107 from Sant Miquel de Cuixà, which runs to five numbered boundaries.

[25] Udina, *El Archivo Condal de Barcelona*, doc. nos 16, 121.

[26] Sant Joan was itself consecrated by the Bishop of Vic in Udina, *El Archivo Condal de Barcelona*, doc. no. 4; doc. nos 146–48 are consecrations of abbey-sponsored churches by the bishop. *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. no. 359 is a sale to Abbess Emma of Sant Joan written by a Vic chapter scribe, Ató, who also wrote doc. nos 182, 397, 410, 543, 559 and 788; this suggests strongly that the transaction was done at the cathedral. See Jarrett, *Rulers and Ruled in Frontier Catalonia*, pp. 23–72, for more such connections.

[27] Zimmermann, *Écrire et lire en Catalogne*, I, 174–284, considers these issues in great detail.

Surprisingly, this question has not been much studied. Michel Zimmermann explains the regularity of the Catalan charter material particularly by reference to a text known as the Formulary of Ripoll.[28] This contains some of the charter forms that occur most commonly in this material, but its compilation can be dated with assurance to 977. The first two documents in it are elaborate ones that are clearly the work of Miró Bonfill, count of Besalú (966–84) and bishop of Girona (970–84); his Hellenizing style is unmistakable.[29] The two documents are anonymized versions of real acts from 977 that survive as full texts.[30] The second, the election of Abbot Froilà of Serrateix, shows important differences from the model: the roles of the officials who were specified as present in the formula, two *comites*, a *dux*, and a bishop (here entitled *ierarchis*), had their places in the actual document filled by Miró's brother Count-Marquis Oliba Cabreta of Cerdanya, Miró himself signing as bishop, Oliba again named only as Miró's brother, and Bishop Guisad II of Urgell. This uneasy arrangement implies that the actual occasion had not worked out as anticipated, and must mean that the template existed before the ceremony, although presumably not before the need to consecrate the new church had arisen.[31]

Thus, the Formulary's compilation must also date to around 977, and its other texts are consistent with such a date.[32] In any case, as we have it the Formulary could not have served as any kind of manual, as almost all its texts give only preambles. A new Ripoll scribe would have had to learn components such as boundary, sanction, and dating clauses from elsewhere. Zimmermann accords the Formulary, which he sees as a prescriptive text issued by the area's counts, an almost retrospective influence on the area's documentary habits, but for these reasons it is hard to agree with him.[33]

[28] Zimmermann, *Écrire et lire en Catalogne*, I, 254–58; 'Un formulaire du X^ème^ siècle conservé à Ripoll', ed. by Zimmermann.

[29] 'Un formulaire du X^ème^ siècle conservé à Ripoll', ed. by Zimmermann, pp. 67–69 and 69–70. On Miró Bonfill, see Salrach, 'El comte-bisbe Miró Bonfill i l'acta de consagració de Ripoll'.

[30] *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. no. 1242, and *Els comtats de Girona, Besalú, Empúries i Peralada*, ed. by Sobrequés, Riera, and Rovira, doc. no. 439, respectively.

[31] 'Un formulaire du X^ème^ siècle conservé à Ripoll', ed. by Zimmermann, pp. 29–32.

[32] 'Un formulaire du X^ème^ siècle conservé à Ripoll', ed. by Zimmermann, pp. 30–31.

[33] Zimmermann, *Écrire et lire en Catalogne*, I, 257, arguing for a prescriptive text issued by the counts, pp. 273–78, where he struggles to explain why it was not therefore in wider use, and p. 280, where he maintains that the Formulary was not copied or disseminated, thus implying that all scribes using it would have been trained at Ripoll!

Assumed Origins

The documents do, nonetheless, suggest wider connections. A natural conclusion is that formulated by Dr Nathaniel Taylor in a study of testamentary practice in the Spanish March: 'Many of these charters exhibit both Frankish and Visigothic influences; one can imagine them written by Visigothic-trained scribes and *iudices* serving under Frankish *missi* in the Carolingian *mallus publicus*'.[34] This is especially true of testamentary documents since, as Taylor shows, the adherence of these to Visigothic custom and templates was almost total. Can either contemporary Francia or Visigothic Spain be the sources of the documentary forms discussed above?

The Carolingian Empire

Formularies

In his edition of the Ripoll formulary, Zimmermann makes an attempt to locate Frankish parallels for its texts in formularies from north of the Alps, with little success.[35] A variant of the free will formula seen in our Pallars document above, 'nulli cogenti imperio neque imaginario iure', can be found in the *Formulae Andecavenses* and the *Libri Duo* of Marculf (the latter quoted here), and some other phrases find echoes in more distant compilations, but there was little to find, and I am less convinced by these parallels than is Zimmermann.[36] Such resemblances can now be rapidly verified by electronic search using the Digital *Monumenta Germaniae Historica*, and the form in which the free will clause occurs in the Frankish formulae is always: '[Constat me] nulli cogenti imperio neque imaginario iure sed proprii volontatis arbitrio [...]'.[37] Though the same

[34] Taylor, 'Testamentary Publication and Proof and the Afterlife of Ancient Probate Procedure', n. 25. See also Collins, '"*Sicut lex Gothorum continet*"'.

[35] 'Un formulaire du x^{ème} siècle conservé à Ripoll', ed. by Zimmermann, pp. 33–35. On the Frankish formularies see now Rio, *Legal Practice and the Written Word*; they are printed in *Formulae Merowingici et Karolini Aevi*, ed. by Zeumer.

[36] *Formulae Andecavenses*, ed. by Zeumer, no. 19, and *Formulae Marculfinae aevi Karolini*, ed. by Zeumer, no. 20. Alice Rio, in *The Formularies of Angers and Marculf*, trans. by Rio, translates the clause as 'compelled by no authority nor by any fictitious claim' (p. 205), which is certainly more idiomatic than my rendering above but even for that reason perhaps further from the archaic and solemn character that I suspect these phrases, by now far from idiomatic in their own language, possessed.

[37] *Monumenta Germaniae Historica digital* produces relevant results for a search for 'impe-

idea is reflected here, this cannot be the model for the Catalan practice; the peculiarly Iberian variant 'quogentis imperio' (or even 'quoquegentis'), which must go back to a written model since a mistake like this would not have been replicated in the spoken language, is not found in the Frankish formularies, and the common Catalan clause 'suadentis ingenio' is unparalleled too, while the Frankish 'imaginario iure' does not appear in the Catalan documents.[38] Furthermore, among other things, in the Frankish models the arrangement of actors in the *inscriptio* is almost always beneficiary first, actor last, unlike Catalan practice.

At first it looks easier to find the Catalan *sanctio* in 'Quod si' in the Frankish formulae. Such constructions occur widely, including the *Formulae Augienses* where we find what seems to be the closest match: 'Quod si ego ipse aut aliquis heredum vel proheredum meorum vel qualiscumque persona istam traditionem presumptione infrangere voluerit [...]'.[39] This was obviously a common construction in Francia, but the search for closer parallels is vain: the Catalan phrase 'minime credimus esse venturum' never occurs and the gerund beloved of the Catalan documents for the actual infraction, *inrumpendum*, is likewise unparalleled in this corpus. The *invocatio* 'In nomine Domini', more surprisingly, occurs as a complete phrase only four times in the Frankish formularies, on none of these occasions in documents that much resemble the Catalan ones: they are a manumission according to Roman law, a confirmation of an official's

rio' from *Formulae Marculfinae aevi Karolini*, ed. by Zeumer, no. 20; *Formulae Andecavenses*, ed. by Zeumer, no. 19; *Formulae Salicae Merkelianae*, ed. by Zeumer, no. 10; and *Formulae negotiorum civilium*, ed. by Zeumer, no. 21.

[38] According to searches in *Monumenta Germaniae Historica digital* for 'imperio', 'suadentis', and 'ingenio' in *Formulae Merowingici et Karolini Aevi*, ed. by Zeumer.

[39] Relevant matches for 'quod si' from transactions in *Monumenta Germaniae Historica digital* from *Formulae Andecavenses*, ed. by Zeumer, nos 5, 43, and 46; *Formulae Marculfinae aevi Karolini*, ed. by Zeumer, nos 13, 15, and 28; *Cartae Senonicae*, ed. by Zeumer, nos 15 and 24; *Formulae Salicae Merkelianae*, ed. by Zeumer, no. 17; *Formulae Salicae Lindenbrogianae*, ed. by Zeumer, no. 13; *Formulae Imperiales e curia Ludovici Pii*, ed. by Zeumer, nos 31 and 54; 'Collectio A' in *Formulae Augienses*, ed. by Zeumer, pp. 342–46 nos 15 (quoted: 'For if I so-and-so or any of my heirs or inheritors or any person whatever should wish by presumption to break this same transfer [...]'), 18, and 20; *Formulae Sangallenses miscellaneae*, ed. by Zeumer, nos 4, 6, and 21; *Collectio Sangallensis Salomonis III. tempore transcripta*, ed. by Zeumer, nos 12 and 15; *Collectio Flaviniacensis*, ed. by Zeumer, nos 42 and 44, and 'Additamenta Collectionis Flaviniacensis', pp. 489–92, nos 3 and 4; *Formulae negotiorum civilium*, ed. by Zeumer, no. 8, *Formulae ecclesiasticae*, ed. by Zeumer, no 28, and various results from *Formulae Visigothicae*, ed. by Zeumer, discussed below.

gesta, a public declaration of an heir and a promise to obey a monastic rule, all of which would have been done differently where Visigothic law ran.[40]

Whatever kind of Frankish influence we may imagine taking place on Catalan scribes, therefore, it was at least not as simple as a royal chancellor like Abbot Helisachar turning up in Girona with a copy of Marculf and instructing the locals to take notes.[41] On the other hand, it may be that for a practised scribe the formularies were mainly stylistic recourses, rather than everyday pattern books, which may be why so many omit mundane details like boundary clauses.[42] We therefore need to compare actual documents of practice.

Documents of Practice

It is somewhat challenging to address the tens of thousands of documents from the vast territory of the Carolingian Empire.[43] However, searching through the available editions of the material of one hundred and seventy-seven different archives of the Frankish realms north of the Pyrenees, with the sample again cut off at the year 900, gives some idea of where to search for parallels.[44] Space

[40] Respectively *Formulae Bituricenses*, ed. by Zeumer, nos 9 and 15 (c); 'Appendix', in *Cartae Senonicae*, ed. by Zeumer, no. 1 (c); and *Formulae negotiorum civilium*, ed. by Zeumer, no. 33.

[41] He was there in 827; see *Annales regni Francorum*, ed. by Kurze, s. a. 827. Rio, *Legal Practice and the Written Word*, p. 187, argues that Frankish formularies were never disseminated in an official fashion, even the so-called *Formulae imperiales*. The model of dissemination below suggests an alternative.

[42] Rio, *Legal Practice and the Written Word*, pp. 192–94, points out that many of the surviving manuscripts of Frankish formulae appear to have been intended for teaching purposes, but notes a different pattern of survival in southern Europe. It seems to me that a whole charter could not be written from most of the formulary texts, what must imply that formulary collections were not whence one learnt to write such documents, so any teaching done with them must have been of a more grammatical nature. I am grateful to Dr Rio for discussion of these points, and note also that Zimmermann argues that the manuscript which contains the Formulary of Ripoll was indeed a schoolroom miscellany: Zimmermann, *Écrire et lire en Catalogne*, II, 893–95.

[43] This challenge will be considerably eased by the ongoing project at King's College London, The Making of Charlemagne's Europe, 768–814, which intends to database all surviving documents from the territories ruled by Charlemagne and the time of his reign. I must again thank Dr Alice Rio for information on this project.

[44] This work was carried out by the present author for the volume Brown and others, eds, *Documentary Culture and the Laity*, but is not there included. I owe my information on that volume, which I was not able to see before this chapter went to press, to West, this volume. It should be noted that the comparison with the Carolingian material is not as substantial as it might be since private sales are very rarely preserved there. Northern Iberia had very different

forbids setting out detailed results from this, but so does the fact that they were not useful. One case may serve for all, the *Traditiones Wizenburgenses*.[45] Several Wissembourg documents use a *notificatio* like 'Constat me vendidisse [...]' but the word order is usually different, and other features immediately disrupt the resemblance to Catalan practice.[46] Wissembourg *invocationes* are rarely as short as 'In Dei nomine [...]' but where they are they are ordered thus, not 'In nomine Dei'.[47] Almost all Wissembourg donations include a clause beginning 'in ea vero ratione ut [...]', which can be found in Catalan documents but only where the property's usufruct was being retained;[48] although this is sometimes the case in Wissembourg, there such clauses were also used to detail transfers in full property.[49] A 'de iure meo in iurem tuam' formula is common in both corpora, although the use of the accusative here contrasts with the consistent use of the ablative in the Catalan documents, but Wissembourg *sanctiones* never contain 'quod si'.[50] A single document, a sale of a slave from around the 770s, meets a near-perfect parallel in a document from Vic one hundred and fifty years later — but the Wissembourg document is based in part on Marculf and this seems likely for the Vic document also, it presumably being a type of document which

modalities of preservation to the areas north of the Pyrenees; see Kosto, 'Laymen, Clerics and Documentary Practices'.

[45] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll. I must thank Dr Allan Scott McKinley for guidance with this material.

[46] For example, *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. nos 11, 43, 153, and 157, the last of which phrases it: 'Vendidisse me tibi constat, ita et vendidi [...]' ('let it be clear that I have sold to you, and thus I have sold [...]').

[47] For example, *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 99.

[48] For example, *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. no. 434, 'in ea videlicet racione ut dum nos vixerimus teneamus et possideamus sine aliquod servitium nisi quod hodie fecit [...]' ('by this means, namely, that while we shall live we will hold and possess [the land] without any service except that which it does today[...]'). Note however that the retention of usufruct may itself be a symptom of Frankish influence: charters from Castile, León, and Galicia almost entirely avoid this method of keeping-while-giving, having instead a range of their own, on which see Davies, *Acts of Giving*, pp. 65–87.

[49] For example, *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 157: 'in ea uero ratione, sicut superius dixi, habeas teneas atque possideas, faciendi quod uolueris, liberam in dei nomen in omnibus abeas potestatem' ('in this way, indeed, just as is said above, you may have, hold and possess, and may have free power in God's name to do what you may wish in all things').

[50] For example, *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 153: 'de iure meo in iurem uestram trado atque transfundo [...]' ('from my right into your right I hand over and transfer [...]'); see Taylor, 'Testamentary Publication and Proof and the Afterlife of Ancient Probate Procedure', pp. 776–78, on the 'Quod si'.

the scribe did not usually have to produce and for which a formulary seemed desirable. It is not matched by the few other sales of the same kind.[51]

Wissembourg, furthermore, is the best parallel identified. The charters of Redon, Sankt Gallen, Mâcon, Fleury, Fulda, Freising, Nouaillé, and Dijon, notable because of their houses' unusual preservation of private documents,[52] either differ substantially in form, as at Freising and Fulda where most documents are *breves notitiae* of very different syntactical layout, or in type, like Fleury where almost all the early documents are hearings preserved via the priory of Pérrecy.[53] Where parallels can be found they are only fleeting. In short, the formulas simply do not match; the charters do the same jobs but are phrased in different ways.[54] Nor are documents from the Languedoc, closer to home, any more helpful, at least once one has discounted the Catalan-tied abbey of la Grasse in the county of Carcassonne, some of whose documents are Catalan-styled because from the Catalan comital family; the rest of the house's material has penalty clauses lacking 'Quod si' and *dispositiones* that belong on the north side of the Pyrenees.[55] Other parallels in this area seem to be few and far between.[56]

[51] *Traditiones Wizenburgenses*, ed. by Glöckner and Doll, doc. no. 183, and *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. no. 314, the Marculf formula referred to by Glöckner and Doll being 'Formulae Marculfinae aevi Karolini', ed. by Zeumer, no. 22.

[52] Editions, in the order mentioned: *Cartulaire de l'Abbaye de Redon en Bretagne*, ed. by de Courson; *Urkundenbuch der Abtei Sanct Gallen*, ed. by Wartmann and others, I: *Jahr 700–840*, ed. by Wartmann (1863) and II: *Jahr 840–920*, ed. by Wartmann (1866); *Cartulaire de Saint-Vincent de Mâcon*, ed. by Ragut; *Recueil des chartes de l'abbaye de Saint-Benoît-sur-Loire*, ed. by Prou and Vidier; *Urkundenbuch des Klosters Fulda*, ed. by Stengel; *Die Traditionen des Hochstifts Freising*, ed. by Bitterauf; *Chartes de l'Abbaye de Nouaillé*, ed. by de Monsabert; and *Chartes et documents de Saint-Bénigne de Dijon, prieurés et dépendances*, ed. by Chevrier and Chaume, I: *VI^e–X^e siècles*, ed. by Chaume and others (1986).

[53] On which see Nelson, 'Dispute Settlement in Carolingian West Francia', pp. 53–55, and Innes, 'Practices of Property in the Carolingian Empire', pp. 252–66, of which I must thank Prof. Innes for letting me see a draft version.

[54] It is now also possible to carry out full electronic searches of the corpus of charters from Cluny, as well as an increasing number of other Burgundian archives, via *Chartae Burgundiae medii aevi*, ed. by Magnani and others; this produces little of use for us, however, although St-Pierre de Cluny received some gifts from later rulers of Catalonia and Aragón that obediently respond to searches for some of our Catalan phrases.

[55] *Recueil des Chartes de l'Abbaye de la Grasse*, ed. by Magnou-Nortier and Magnou.

[56] Based on a search made in Devic and Vaissete, *Histoire Générale de Languedoc*, II and V. Sales are rare in this edition, which primarily collected 'public' charters, but II: *Preuves: chartes et documents*, no. 156 illustrates the pattern, and no. 190 is a comital donation to the cathedral of Elna that shows more Frankish forms than Catalan ones.

Visigothic Legacies

The other possible source of these formulae, therefore, and for many historians the obvious one, is the Visigothic kingdom of Spain.[57] There is sense in this: aspects of the Visigothic Law, which continued to run in this area after the Carolingian conquest, dictated documentary usage to a considerable degree.[58] The procedures surrounding dispute settlement and inheritance both followed norms more or less laid down in the Law.[59] At Vic, for a while, inventories were made of the see's property at the death of a bishop, as prescribed in the Law.[60] The actual documents also have Visigothic tinges, not least the blocky minuscule in which they are mostly written.[61]

Establishing Visigothic heritage is harder with documents of donation and sale, however. Although the Visigothic Law was insistent that transactions should be recorded in writing, it did not set any template for them and practice is almost invisible.[62] Only one Visigothic-era donation survives on parchment and it is of completely different style from any of our documents, with a *salutatio*, almost unknown in our Catalan sample, a very different *arenga*, a *sanctio* that does not contain 'Quod si', and numerous other differences.[63] Its elabora-

[57] See especially Mateu, 'De la Hispania tarraconense visigoda a la Marca hispánica Carolina', covering diplomatic continuity at pp. 117–20. Several of Mateu's supposed Visigothic symptoms, such as his suggestion that the occasional appearance of pounds of gold as penalties originates in the Law (pp. 119–20), could as easily be explained by Frankish influence, and some, such as his suggestion that the price clause 'in rem valentem' refers back to Visigothic units of account (pp. 118–19), are totally unevidenced, but others of his points remain worth consideration. It was by a conversation with the late Patrick Wormald in which he suggested Visigothic roots for the area's formulae that I was first spurred to investigate the question; it is a source of regret that he did not live to see my eventual answer.

[58] See now Bowman, *Shifting Landmarks*, pp. 33–55.

[59] Collins, '"*Sicut lex Gothorum continet*"', pp. 492–94, and Collins, 'Visigothic Law and Regional Custom in Disputes'; on testamentary practice, see Taylor, 'Testamentary Publication and Proof and the Afterlife of Ancient Probate Procedure'.

[60] *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. nos 789, 1106; the practice is also referred to in doc. no. 78 but the inventory does not survive.

[61] On the local scripts see first and foremost Arnall and others, *L'Escritura a les terres gironines*, but examples can also be found in the plates in Udina, *El Archivo Condal de Barcelona*, and those in *Diplomatari de la Catedral de Vic*, ed. by Junyent. For a careful view of the Gothic cultural legacy in the area, see Collins, 'Literacy and the Laity in Early Medieval Spain', pp. 127–33.

[62] *Leges Visigothorum*, ed. by Zeumer, II. 5.

[63] Canellas, *Diplomática hispano-visigoda*, doc. no. 14.

tion is obviously one reason for these; another is presumably the three-century gap between a document of 551 and our texts. Other Visigothic documents survive on slate but none are donations, as far as can be told from the fragments that remain, and though six may have been sales, three of those are only a few fragmentary clauses.[64] The others make a few differences clear: their *dispositiones* are extremely brief, with far more space allotted to the price; none seem to have had an *invocatio*; and in two cases enough survives to show that they opened with an *inscriptio* naming recipient then actor, for example 'Dominis honorabilibus fratribus Crisciturus et nonne id [...]', unlike the Catalan documents, which arrange the transacting parties in the opposite order.[65]

In addition, we have a Visigothic formulary, in a twelfth-century copy from the cathedral of Oviedo; when its exemplar was brought there we know not, but the late eighth or early ninth centuries are plausible.[66] It may have originally been compiled in Córdoba in the second quarter of the seventh century, and includes some sixty anonymized documents, many of considerable elaboration.[67] Most of them relate to marriage or slaves; only three record sales, of which two are just *arengae*, and the one given in more detail is defective, opening towards the end of the *dispositio*.[68] This, unfortunately, can tell us nothing except that, in this one document, the method of specifying a price is unlike anything in our material:

> Definito igitur et accepto a vobis omne precium, quod in placitum venit nostrum, id est auri solidi numeri tot, quos a te datos et a me acceptos per omnia manet certissimum, nihil penitus de eodem pretio apud te remansisse polliceor.[69]

[64] The slates are edited in, *Las pizarras visigodas: edición critica y estudio*, ed. by Velázquez, and again with additions in *Documentos de época visigoda escritos en pizarra*, ed. by Velázquez, and Velázquez, *Las pizarras visigodas: entre el latín y su disgregación*. Here I have used the former two editions, and must thank Mr Graham Barrett for guidance, although he does not share all my opinions. The three fragments are *Las pizarras visigodas: edició critica y estudio*, ed. by Velázquez, nos 30, 117 and 121.

[65] *Las pizarras visigodas: edición critica y estudio*, ed. by Velázquez, nos 8, 19, and 40, quote from 8: 'To the honourable lords, the brothers Crisciturus and no less [...]'.

[66] Díaz, 'La circulation des manuscrits dans la péninsule ibérique'.

[67] *Formulae Visigothicae*, ed. by Zeumer.

[68] The three sales: *Formulae Visigothicae*, ed. by Zeumer, nos 11, 12, and 13.

[69] *Formulae Visigothicae*, ed. by Zeumer, no. 11: 'The whole price therefore defined and accepted by you, which was settled in our agreement, that is such-and-such a number of gold *solidi*, which it remains most certain were given by you and accepted by me, I promise that nothing whatsoever of the same price has remained with you'.

This may however be because the object of sale here was a slave, whose ownership history had to be vouched for in court; this would not have applied to land in ninth-century Catalonia. None the less, both this formula and one of the three donation formulae also preserved in this text end in a *corroboratio*, 'Quod etiam iuratione confirmo', a clause almost never used in the Catalan documents, and this and the fact that two of the donations open with an *inscriptio* naming the recipient first, make it clear that these formulae come from a milieu different from Carolingian Catalonia.[70]

Contemporary Northern Iberia

Catalonia cannot, however, be classed as an autarkic diplomatic province, because there is substantial contemporary diplomatic preservation from more westerly Galicia, Asturias, León, and Castile (hereafter grouped for brevity as 'Asturias-León'), and there considerable resemblances are detectable.[71] To pick a text exceptionally like those used above, witness the following:

> In Dei nomine. Ego Egilo, vobis fratribus meis Floridia, Avolino, Gildemiro, et Bonoso. Placuit mihi atque convenit nullo congentis imperio nec suadentis articulo, ut propria mihi accessit voluntas, ut venderem vobis supradictis, agrum meum quem habeo in villa Codegio ubi vos habitatis. Et est ipsum agrum inter ecclesiam Sanctum Iulianum et Castrum de Paredinas et accepi a vobis precium solidos quod mihi bene complacuit et de ipso precio apud vos nichil remansit in debitum; ita ut de odie die et tempore de meo iure abrasum vestro iuri et dominio sit traditum atque concessim habeatis vos et omnis posteritas vestra perhenniter. Si quis tamen quod fieri non credo contra hoc meum factum ad irrumpendum veneri pariat vobis ipsum agrum duplatum vel triplatum et vobis perpetim habiturum. Facta scriptura venditionis VIII° idus Octobris era DCCCa LXVa. Egilo in hac scriptura vendicionis a me facta manu mea. Leovegildus ts. Alaricus ts. Varbarinus ts.[72]

[70] *Formulae Visigothicae*, ed. by Zeumer, nos 30, 31 ('Which I also confirm by oath'), and 46.

[71] On this documentation see Floriano, *Curso general de paleografía y diplomática españolas*, and specifically for this period, Floriano, *Diplomática española del periodo Astur*. A recent study using this material is Davies, *Acts of Giving*, where a short study of the preservation from major archives can be found on pp. 22–26.

[72] Floriano, *Diplomática española del periodo Astur*, I: *Cartulario crítico, pt. 1: desde Pelayo a Ordoño*, no. 34: 'In the name of God. I Egilo to you my siblings Floridia, Abolino, Gildemiro and Bonoso. It pleases and suits me, compelled by no authority or any kind of suasion, that by my own will it came to me that I should sell to you the aforesaid, my field that I have in the *villa* of *Codegio* where you live. And the selfsame field is between the church of San Juliano and the

A more detailed comparison is thus obviously required to elucidate genuine differences between this Galician document and its fellows and those from hundreds of miles east in Catalonia.

The preservation of documents from this period in western and central northern Iberia is not as rich as that in Catalonia, despite the much larger area involved, and is therefore somewhat diffuse, although the most important archive is the Archivo del Catedral de León, which has swallowed up a number of lesser ones from its wider region.[73] The preservation is also not so commonly contemporary single sheets, though the proportion of these is still higher than in most other areas of Europe, and rather more of the early sample (here beginning in the 740s) is forged.[74] Its make-up is also different, as the following breakdown by document types over time reveals.[75]

Any characterization of this material is perforce subjective, but it seems at least that sales and donations still represent the richest field of comparison. Once again, demonstrating similarity in these documents with mathematical rigour is rendered impossible by their lexical and orthographical variation, but

castle of Pardinas and I have received from you the price, *solidi* with which I am well satisfied, and of this price nothing remains owing from you; thus, from this day and time today, let it be erased from my right and handed over and conceded into your right and dominion, let you and all your posterity have power eternally. If anyone, however, what I do not believe will be brought about, shall come against this my deed in order to disrupt it, let him pay to you the selfsame field twofold or threefold and let you have it perpetually. Scripture of sale done the 8th Ides of October, Era 865. Egilo, in this scripture of sale made by me, my hand. Leovigild, witness. Alaric, witness. Barbarino, witness'. A more recent edition: *Tumbos de Monasterio de Sobrado de los Monjes*, ed. by Loscertales, I, no. 83.

[73] Published as *Colección documental del archivo de la Catedral de León*, I: *775–952*, ed. by Sáez, Fuentes y estudios de historia leonesa, 41 (1987).

[74] Davies, *Acts of Giving*, pp. 22–26 as above. The extent of forgery in these documents has long been debated, especially with royal charters. Landmarks in the literature are Barrau-Dihigo, 'Étude sur les actes des rois asturiens', and Floriano, *Diplomática española del periodo Astur*. The debate continues: cf. Lucas, *La Documentación real astur-leonesa*, and Fernández de Viana, 'Problemas y perspectivas de la diplomática de los reinos asturiano, leonés y castellano-leonés'.

[75] For this sample I have relied on Floriano, *Diplomática española del periodo Astur*, because the terms of his judgements of authenticity are always clear and because he alone considered non-royal documents in this way. Documents that he reckoned forged or falsely attributed are not included here. He was attempting to record all surviving documents from the Asturian-Leonese kingdom up to and including the reign of King Alfonso III (866–910). He did not succeed in total coverage, but his material ranged from Lugo to Albelda and so there is reason to hope that it is representative. Another diplomatic analysis of this material, albeit to other purposes, is García, 'Contenidos canónico-teológicos de los diplomas leonesas'.

Table 3. Preservation of charter material from before 900 in the territories of the kings of Asturias and León, according to Floriano, *Diplomática española del periodo Astur* (with maximum numbers, given uncertain dating, in brackets).

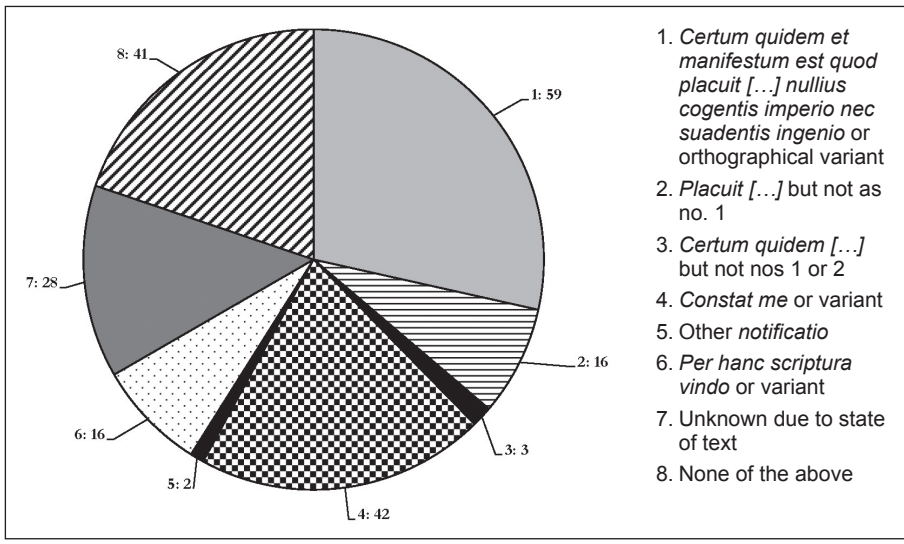
	Sales	Donations	Exchanges	Precepts	Court records	Testamentary records	Foundations	Other	Total
745–799	1	1	0	0	0	0	3	2	7
800–804	0	1	1	0	0	0	2	0	4
805–809	0	1	0	0	0	0	0	0	1
810–814	0	1	0	0	0	0	1	0	2
815–819	0	3	0	0	0	0	0	1	4
820–824	0	1	0	0	0	0	1	0	2
825–829	2	3	0	0	0	0	0	0	5
830–834	0	1	0	0	0	0	0	0	1
835–839	1	0	0	0	0	1	1	0	3
840–844	1	2	0	1	0	0	0	0	4
845–849	0	1	0	0	0	0	0	0	1
850–854	0	3	0	2	0	0	2	0	7
855–859	1	2	0	0	1	0	1	1	6
860–864	3	6	0	1	1	0	0	2	13
865–869	3	4	0	1	0	0	0	0 (1)	9 (10)
870–874	0	6	0	2	0	0	3	1 (2)	14 (15)
875–879	1	9	1	0	1	0	0	1 (2)	13 (14)
880–884	3	1	1	2	1	0	1	0 (2)	9 (11)
885–889	2	6	0	0	1	0	1	0 (2)	10 (12)
890–894	0	2	0	0	0	0	0	0 (2)	2 (4)
895–899	2	7	1	0	0	0	0	0 (2)	10 (12)
Total	20	61	4	9	5	1	16	11 (13)	127 (129)

they are plainly kindred to the Catalan ones even if types occur here that do not in Catalonia and vice versa.[76] The best way to expose what difference there is, therefore, is to focus on particular formulae among the donations and sales.

[76] Asturias-León preserves many monastic pacts, e.g. Floriano, *Diplomática española del periodo Astur*, nos 7, 11, and 14, while Catalonia preserves none. On such documents see Orlandis, 'Las congregaciones monásticas en la tradición suevo-gótica'. On the other hand, Asturias-León preserves no church consecrations this early, whereas they are not unusual in Catalonia: see *Les dotalies de les esglésies de Catalunya*, ed. by Ordeig, and Ordeig, 'La consagració i la dotació d'esglésies a Catalunya'.

Comparison of Target Formulae

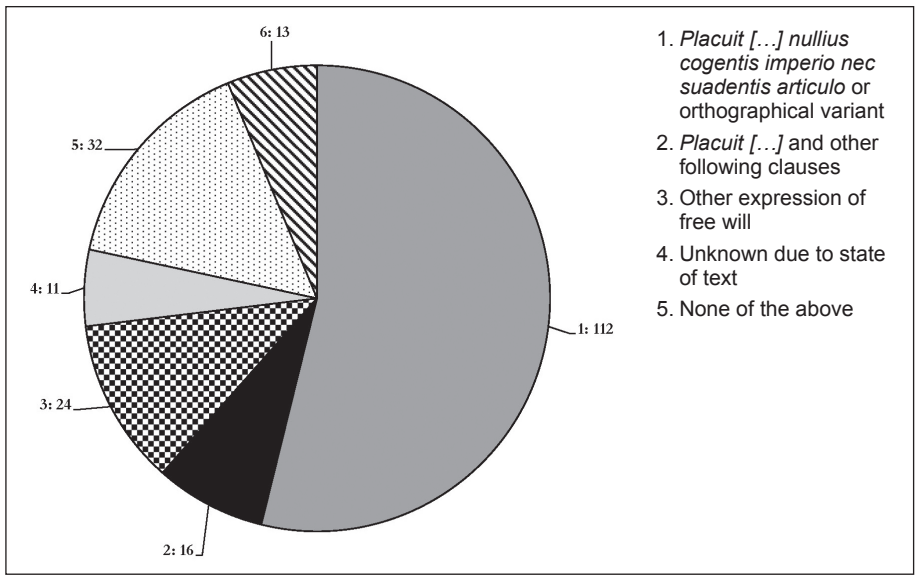
Two Catalan formulae present especially useful illustrations, the first being the *arenga* of the form, 'Certum quidem et manifestum est enim quia sic placuit in animis meis et placet, nullius quoquegentis imperio nec suadentis ingenio, sed propria et spontanea mihi hoc elegit bona voluntas', and the second the *sanctio* form, 'Si quis sane, quod fieri minime credimus esse venturum, quod si'.[77] These do not occur in all donations or sales, but the proportion is considerable, and best illustrated as charts, as below.


8: 41
1: 59
7: 28
2: 16
6: 16
3: 3
5: 2
4: 42
1. *Certum quidem et manifestum est quod placuit […] nullius cogentis imperio nec suadentis ingenio* or orthographical variant
2. *Placuit […]* but not as no. 1
3. *Certum quidem […]* but not nos 1 or 2
4. *Constat me* or variant
5. Other *notificatio*
6. *Per hanc scriptura vindo* or variant
7. Unknown due to state of text
8. None of the above

Graph 2. Types of proem in Catalan documents of donation and sale pre-900.

There are some important qualifications that need to be made about this sample. It is clear that usage in Asturias-León was less uniform than in Catalonia: far more proems fit a clear pattern in the east than in the west. On the other hand, firstly this is less than surprising given that the western area is much larger, and secondly there is a considerable impact from the practice of individual Catalan institutions. For example, of the fifty-nine Catalan examples of the 'suadentis ingenio' formation or its variants, thirty-two are from the monastery of Alaó, and twenty more come from other Pallars or Urgell houses, suggest-

[77] Here respectively quoted from *Els comtats de Rosselló, Conflent, Vallespir i Fenollet*, ed. by Ponsich, doc. no 134, and 'Els documents conservats a l'Arxiu Capitular de la Seu d'Urgell', ed. by Baraut, doc. no. 27; few instances are spelt so classically.


6: 13
5: 32
4: 11
3: 24
2: 16
1: 112
1. Placuit […] nullius cogentis imperio nec suadentis articulo or orthographical variant
2. Placuit […] and other following clauses
3. Other expression of free will
4. Unknown due to state of text
5. None of the above

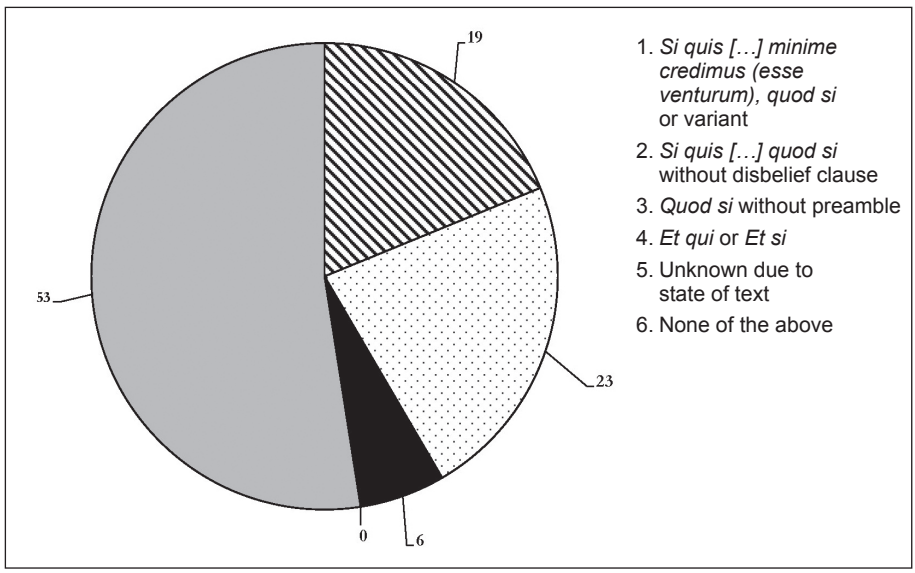
Graph 3. Types of proem in Asturo-Leonese documents of donation and sale pre-900, as ed. by Floriano.

ing a regional preference that the denser Catalan sample emphasizes.[78] All the documents with the balder 'Per hanc scriptura [...]' preamble, meanwhile, are from Osona, Manresa, or Barcelona, unlike any of the *suadentis ingenio* group, suggesting two distinct *Urkundenlandschaften* as the latter area's documentary preservation opens.[79] Practice this consistent is hard to see in the western material: although eight of the nineteen documents thence that echo the dominant Catalan usage are from the nunnery of Sobrado de los Monjes, seven more from

[78] Alaó: *Els comtats de Pallars i Ribagorça*, ed. by Abadal, II: *Diplomatari*, doc. nos 4, 13, 14, 20, 23, 25, 30, 32, 34–38, 42, 49, 50, 54, 56–58, 65, 66, 69, 71–73, 75, 76, 78–80, and 83; others from the north: *Els comtats de Pallars i Ribagorça*, ed. by Abadal, II: *Diplomatari*, doc. nos 10, 16, and 29 from Gerri, doc. nos 17 and 47 from Bellera, 'Diplomatari del monestir de Sant Climent de Codinet', ed. by Baraut, doc. nos 2, 3, 6, 7, 8, and 10, Urgell: 'Els documents conservats a l'Arxiu Capitular de la Seu d'Urgell', ed. by Baraut, doc. nos 3, 18, 19, 21, 22, 33, and 41, and 'Els documents dels segles X i XI de l'Arxiu Capitular de Solsona', ed. by Llorens, no. 1, from their eponymous houses and Villanueva, *Viage Literario a las Iglesias de España*, X: *Viage á Urgel* (1821), ap. VIII from Urgell.

[79] *Diplomatari de la Catedral de Barcelona*, ed. by Fabregà, doc. no. 4 from Barcelona, *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. nos 3, 5, 7, 11–13, 18, 19, 27, and 31 and *Els comtats de Girona, Besalú, Empúries i Peralada*, ed. by Sobrequés, Riera, and Rovira, doc. no. 74 from Vic, and doc. nos 79 and 88 originally from the archive of the Viscounts of Osona.

there fall into other categories.[80] There is also the effect caused by the choice of categories, which do not strictly compare like with like for reasons that will be made obvious below, though the fact that more categories were used for Catalonia, that twice as many documents have been sorted into them and that the sample is still more polarized does, I think, indicate that usage there was genuinely more structured. There are also larger points to be made about shared and unique usages, but these are best made in combination with the evidence of the *sanctiones*, presented below.

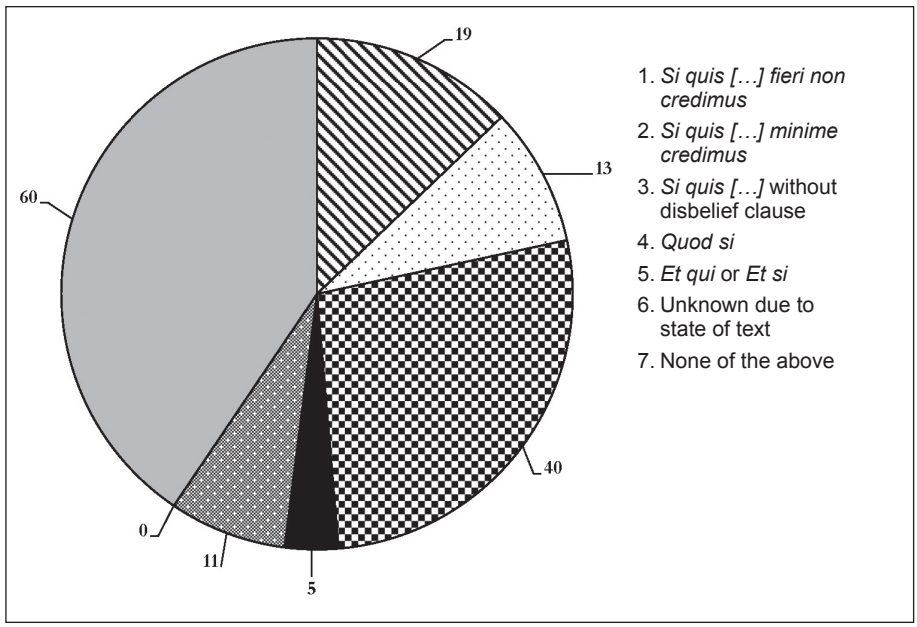

19
53
23
0
6
1. *Si quis […] minime credimus (esse venturum), quod si* or variant
2. *Si quis […] quod si* without disbelief clause
3. *Quod si* without preamble
4. *Et qui* or *Et si*
5. Unknown due to state of text
6. None of the above

Graph 4. Introductions to sanctiones in Catalan documents of donation and sale pre-900.

Here we are much closer to comparing like with like across the two zones. All the same, an overweening formulaic preference is again visible in the Catalan material. Again, too, Alaó is dominantly responsible, claiming sixty of the one hundred and twelve 'si quis [...] minime credimus' group, with other northern houses generating a further thirty-seven, but this time the usage is not exclusive and the northern dominance is not far out of proportion with the actual preservation.[81]

[80] Floriano, *Diplomática española del periodo Astur*, nos 34, 44, 71, 83, 99, 129, 140, and 148, versus nos 17, 26, 28, 70, 88, 117, and 119, all now re-edited in *Tumbos de Monasterio de Sobrado de los Monjes*, ed. by Loscertales.

[81] Alaó: *Els comtats de Pallars i Ribagorça*, ed. by Abadal, II: *Diplomatari*, doc. nos 4–6, 13, 14, 19–28, 30–32, 34–38, 42–46, 48–54, 56–59, 61, 64–69, 71, 72,74– 80, 84–86, 89, 93;



Graph 5. Introductions to sanctiones in Asturo-Leonese documents of donation and sale pre-900 as ed. by Floriano.

The picture in Asturias-León is nothing like this; although all the Catalan *sanctiones* are echoed there, the commonest there is one of the least common in Catalonia, and it is more common for *sanctiones* to take none of the forms noticeable in Catalonia than to take any of them. All the reasons above why we might expect the Catalan documents, clustered more densely in a smaller area, to display more uniformity apply here too but the degree to which they display it is still stark, as is the difference in their usages from Asturias-León.

other northern houses doc. nos 1, 3 and 9 (Gerri), doc. nos 29 and 90–92 (Lavaix), doc. nos 47 (Bellera), 'Diplomatari del monestir de Sant Climent de Codinet', ed. by Baraut, doc. nos 1–3, 5–10, and 12, 'Diplomatari del monestir de Sant Sadurni de Tavèrnoles', ed. by Baraut, doc. no. 6, 'Els documents conservats a l'Arxiu Capitular de la Seu d'Urgell', ed. by Baraut, doc. nos 9, 18, 19, 21–29, 33, 35, 36, and 41 from those same houses and Villanueva, *Viage Literario a las Iglesias de España*, x: *Viage á Urgel* (1821), app. vii, viii from Urgell, but here cf. *Diplomatari de la Catedral de Barcelona*, ed. by Fabregà, doc. no. 4 from Barcelona, *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. nos 3, 11, and 15 and *Els comtats de Girona, Besalú, Empúries i Peralada*, ed. by Sobrequés, Riera, and Rovira, doc. no. 74 from Vic, and doc. no. 88 from the Osona vicecomital archive.

The most significant differences, however, are not evident in this comparison simply because zero proportions do not appear in pie charts. This is why the categories above do not always match like to like: often, the exact like does not occur in both zones. Most notably, none of the two hundred and nine documents here sampled from Catalonia use a *sanctio* containing the phrase *suadentis articulo*. In fact, the very word *articulo* does not occur in any of the Catalan documents. Neither, contrariwise, does the phrase *suadentis ingenio* occur west of Catalonia, as far as I have found.[82] This observation can, moreover, be repeated with other phrases. None of the Asturo-Leonese documents begin with a simple 'Per hanc scripturam [...]' such as was favoured in southern Catalonia. Neither does the *notificatio* form 'Constat me [...]' occur in the west, and this is a usage that can be more closely paralleled in Francia, as we have seen. The Catalan preamble 'Certum quidem et manifestum est [...]' is unknown in Asturias-León; the word *certum* is not even used in the documents sampled from there. More such observations can be made from the *sanctiones*, despite their much closer similarity: none of our Asturo-Leonese documents combine a *si quis* clause with an eventuality introduced by *quod si*, even though the form *quod si* does occur there separately. The combination appears to be distinctly Catalan, as do the other usages.[83]

None of this should be permitted to obscure the fact that these documents are similar, and more so than Catalan documents generally to Frankish ones of any origin known to the author. Nonetheless, the formulae for such documents that the scribes of the two areas knew, despite their close relation, had different words in them at significant points. The evidence is clear.

[82] Both Prof. Wendy Davies and Mr Graham Barrett assure me that *suadentis ingenio* is in fact seen in Asturo-Leonese documents, although neither they nor I were able to locate an example in subsequent searches. Assuming that my statement stands, however, it applies also to documents from geographically intermediate Aragón and Navarre, although these are basically lacking from the period before the eleventh century. Three ninth-century documents from Leire and a tenth-century one from Irache show neither of our variants, but once practice becomes clearer in the eleventh century documents seem to favour a local *arenga*, 'Hoc est carta traditionis quem iussi scribere' or similar. See *Documentación medieval de Leire*, ed. by Martín, and *Colección diplomática de Irache*, ed. by Lacarra, as well as *Colección diplomática de Obarra*, ed. by Martín. Pre-1000 documents from Obarra appear in *Els diplomes carolingis a Catalunya*, ed. by Abadal, *sub* Ovarra, and *Els comtats de Pallars i Ribagorça*, ed. by Abadal, II: *Diplomatari*.

[83] This time, the few documents from the intermediate area tend to emphasise the separation of Catalonia from points west: the pre-1000 documents from Aragón and Navarre use neither of our significant forms of *sanctio*, but the eleventh-century documents favour the Asturo-Leonese style 'si quis sane, quod fieri minime credimus' without a following 'quod si'. See references to editions in n. 82 above.

Cultural Dissemination in Carolingian Catalonia

This surprising difference requires explanation, but the terms of that explanation must be carefully chosen. It obviously will not do to suggest a prescriptive authority setting out rules for charter-writing on the Spanish March: not only was the Carolingian Empire not capable of enforcing such uniformity even much closer to court, there is increasingly little belief that such was an outcome its rulers ever seriously sought.[84] It would, in any case, have been perpetually diluted here by other Christian cultures, visible in the flow of manuscripts and churchmen (and presumably others less well-attested) from north, south, and west through the zone.[85]

Furthermore, it is not clear what structures of rule might have been employed to attempt such an enterprise even if it had been desired. Not only were the Catalan counties rarely under a single official, but until well into the reign of Louis the Pious local nobles were as prominent in the area as Frankish nominees, and this tendency was ended largely by a series of rebellious Frankish marquises who are unlikely to have made the Carolingian Renaissance their first priority.[86] Moreover, the apparent participation of the counties of Pallars and Ribagorça in our documentary patterns presents problems for a top-down explanation mediated through the structures of secular power, since those two counties appear to have been private possessions of the counts of Toulouse where it is not clear that imperial mandates had traction.[87]

And yet the Catalan usage is still constrained in its variation, in such a way as to require some agency of selection favouring the use of certain formulae. That agency would also have to be aware of a much wider documentary tradition, including the types of document required by the Visigothic Law and those in use in the lands to the west and north too. Yet the selection that is

[84] McKitterick, 'Unity and Diversity in Carolingian Administrative Practice'; cf. Patzold, 'Normen im Buch'.

[85] On manuscripts see Díaz, 'La circulation des manuscrits dans la péninsule ibérique', and Chandler, 'Barcelona BC 569 and a Carolingian Programme on the Virtues'. The most startling examples are of course the Urgell and Girona Beatus manuscripts, both usually considered tenth-century and from western scriptoria, Urgell, Museu Diocesà d'Urgell, MS C.X and Girona, Museu del Tresor de la Catedral, no 7, both featured in Williams, *The Illustrated Beatus*, though Williams places the Urgell MS later. On churchmen, Abadal, 'El renaixement monàstic a Catalunya després de l'expulció dels Sarraïns'.

[86] Salrach, *El procés de formació nacional de Catalunya*, *passim*.

[87] Abadal, 'Els orígens del comtat de Pallars-Ribagorça', ed. by Callicó.

apparent in the Catalan usages is not a miscellaneous bouillon of Asturian, Frankish, and southern Visigothic formulae, but rather a set of flourishes, variations, or simplifications of phrases that performed the same semantic functions and presumably drew on the same late Roman heritage as those but which had a unique and local flavour in their choice of vocabulary and deployment.[88]

The agency that fits these criteria is the episcopate. Firstly, while Pallars and Ribagorça may have been separate from the other northern counties, they fell under the bishopric of Urgell until the mid-tenth century and in the case of Pallars, still thereafter.[89] Secondly, the southern Catalan usages distinguished above come more or less from the areas covered by the bishoprics of Barcelona and Osona. (The remaining bishoprics, Girona and Elna, are harder to evaluate because of the factors of survival set out earlier.)

This also suggests a mechanism by which the dissemination of these models might be explained, the training of future local priests in cathedral schools.[90] Not every such priest would have been educated there, but some would, and the ways in which they had been taught to write charters would thus be spread to the areas in which they were placed.[91] New monasteries would presumably have drawn on similar resources; their development was certainly overseen by local bishops.[92] We might then think not of a supply-driven installation of documentary practices, but rather a demand-driven one for models needed by a

[88] See Zimmermann, *Écrire et lire en Catalogne*, I, 247–84.

[89] Abadal, 'Origen y proceso de consolidación de la sedes ribagorzana de Roda'; Jarrett, 'Archbishop Ató of Osona' (pp. 9–12 and refs there). The present author cannot avoid noting that this importance of local bishops may explain the persistence in office of the recidivist heretic, as the Carolingians saw him, Felix of Urgell, whose effective tenure as bishop ended only in 799: see most recently Chandler, 'Heresy and Empire'.

[90] See most conveniently Contreni, 'The Carolingian Renaissance'; Zimmermann, *Écrire et lire en Catalogne*, II, 871–82, covers education in cathedral schools in Catalonia.

[91] Substantiation of this assertion would be more than just another paper: one example of many is Oriol, priest of rural Olost and a Vic chapter member, seen in *Els comtats d'Osona i Manresa*, ed. by Ordeig, doc. nos 211, 238, and V. One might also note the loaning of liturgical books to dependent churches visible in a Vic cathedral inventory of 971, doc. no. 1106; on this see Zimmermann, *Écrire et lire en Catalogne*, I, 591–95. An earlier example of episcopal checking on a local priest is 'Les actes de consagracions d'esglesies del bisbat d'Urgell', ed. by Baraut, doc. no. 14, on which see Zimmermann, *Écrire et lire en Catalogne*, I, 526–30. The general phenomenon is recently discussed by van Rhijn, 'Priests and the Carolingian Reforms'.

[92] Villanueva, *Viage Literario a las Iglesias de España*, X: *Viage á Urgel* (1821), ap. XV, an episcopal council of 914 in which five failed houses were shut down and their endowments bestowed on Sant Sadurní de Tavèrnoles.

clergy required to write charters for a reviving land market and administrative system where such documents might now prove useful — not so much top-down, then, as middle-up.

It should be added that this demand might also have been met by non-clerical scribes: not every writer of a charter in this sample used a clerical title. The most obvious of these, however, is Comendatus, who wrote most of Alaó's documents during the 840s and thus exemplifies the difficulty of such distinctions: although we do not know what else he may have written, he was plainly a man with church associations and one who adhered to the templates we have detected here.[93] To separate him from the clerics who overridingly dominate the scribe's role in the surviving documentation seems a false distinction, and one that is made the more complex by a tendency occasionally demonstrable for clerics not to use their titles in certain circumstances.[94] Comendatus and the few other possible lay scribes in these documents seem to show, in any case, that they too could find access to the models now being circulated, though whether by training or by exposure to other documents written according to the models we cannot say.[95]

Conclusions

This does, therefore, tell us a good deal about the nature of the Carolingian take-over in this area. In the first place, it tells us that the Carolingians were initially willing to retain local cultural usages. In the second place, it tells us that the kind of cultural repair that was undertaken here was done with the freedom to develop and improve such usages in local styles. This in turn bears on the question of whether Carolingian rule here should be seen as conquest or liberation, in so far as if it is to be framed as a conquest it must be considered a remarkably permissive one. Thirdly and lastly here, it shows us the area's large churches as storehouses of cultural know-how to which resort was made

[93] See Kosto, 'Laymen, Clerics and Documentary Practices', for a convincing argument that the distinction of lay and clerical written cultures here is futile.

[94] What these circumstances were has not been explored, even by Zimmermann, and I intend to work on it shortly. On the general phenomenon see Alturo, 'Le statut du scripteur en Catalogne'.

[95] Others e.g. Donamius in *Els comtats de Pallars i Ribagorça*, ed. by Abadal, II: *Diplomatari*, doc. no. 3 and Atilius in doc. no. 16, both from Gerri, or Viatarius in *Els comtats de Rosselló, Conflent, Vallespir i Fenollet*, ed. by Ponsich, doc. no. 34, significantly writing for Count Bera II of Rosselló.

by persons who might otherwise have had little or nothing to do with any central power; a priest trained in such usages and asked to write a charter for his congregation was bringing them into a wider cultural world, even if that world retained strongly local colours in its various regions.

Is it, however, safe to attribute these changes to the Carolingian take-over? If the cathedrals were responsible for the propagation of documentary models, Carolingian rule does not necessarily represent a *terminus ante quem non*, since, except for Osona's, they were operating beforehand. At least, an endeavour involving the training of priests at, and their placement from, cathedral schools, and that training involving preparation for written administration in local communities, would fit perfectly with the Carolingian reform project as we currently understand it. That that reform project was partly driven by Iberian-trained churchmen who may have helped design its emphases and mechanisms, however, cannot be forgotten.[96] The cause-and-effect relationship of the character of Catalan documents and the Carolingian take-over must therefore be considered further yet, but this study has at least demonstrated that they could and did exist in harmony.

[96] Riché, 'Les réfugiés wisigoths dans le monde carolingien', and Freeman, 'Theodulf of Orléans'.

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When Is a Charter Not a Charter? Documents in Non-Conventional Contexts in Early Medieval Europe

Arkady Hodge

The title of this paper is a joke without a punchline, but the unanswered question it poses should draw attention to a serious point. There is an inherent duality in how historians think of medieval charters. There are two separate definitions associated with a single concept, and the defining feature of a 'proper' charter is that it fits *both*. A problem thus arises when a document only corresponds to one of these two definitions.

On one level, a charter is simply a document recording the transfer of control over property. Simultaneously, it is also defined by a set of standardized, formalized features: the prose is written to a copybook structure, using lots of technical clichés in the phrasing, including some features that provide legal authentication; it is almost always written in the first person; and it is an individual object — usually a single sheet of parchment — that can be handed over to the beneficiary. The precise style of these features changed over time, and it also varied geographically from area to area, but the basic concept held true throughout the history of medieval Europe: it was true of charters in the Roman Empire, and was true when a new set of international standards was established from Orkney to Jerusalem in the twelfth century. It was also true in the period in between, the period that will be the focus of this paper; and in this period, it held true in spite of local variations in format and language: in Italy, in the Frankish realms, amongst the Anglo-Saxons, and in the Byzantine Empire.

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The problem is that there are also documents that purport to be property records, but do not fit the expected structural pattern at all.[1] Very often, they are written in the third person. They use different idioms and structures, and tend to be lighter on the legalese. Some of them contain material more appropriate to hagiography or romance. Typically, they purport to date from the period of local diversity between the fifth and twelfth centuries. And, without exception, they are written into books. They are not single sheets, nor do they conform to the model that historians expect from archival copies of single sheets. On the one hand, these documents contrast clearly with conventional charters — so clearly, in fact that they help to define the unity of the charter tradition across time and space. Their lack of the formal features that are expected to define charters emphasizes that these features were indeed retained, in one form or another, by the diverse local traditions of diplomatic in the early medieval period. On the other hand, they cause a problem, because although they stand outside the charter tradition, they still seem to perform the same basic role. In short, they satisfy one definition of a 'charter', but not the other. This makes it harder to say whether they are charters or not. Most scholars have found the contrast with the standard charter too much to overcome, but Wendy Davies has argued that material from the British Isles and Brittany represents a distinct form of charter, with sufficient formal integrity and consistency to establish its own set of authenticating rules.[2] In this discussion, they will be described, deliberately paradoxically, as 'non-charters', but perhaps whether they are defined as viable charters or not depends on who is looking at them.

Equally significant is a tendency to think of these documents as localized. Whereas the various quasi-national traditions of formal charter construction found across early medieval Europe are regarded as local variations of a single unifying concept that was understood from Anatolia to England, the 'non-charters' are not regarded as part of any wider pattern. Instead, they are divided into at least two distinct *sui generis* types, each further defined by internal variation, and these documents are normally regarded as products of localized traditions in areas on the edges of the civilized world — in the Carolingian empire, we get a distinct East Frankish or specifically Bavarian tradition, and on the

[1] The basic secondary discussion includes Fichtenau, '*Carta* et *notitia* en Bavière'; Fichtenau, *Das Urkundenwesen in Österreich*, esp. pp. 77–78; Davies, 'The Latin Charter-Tradition in Western Britain, Brittany and Ireland'; Geary, 'Entre gestion et *gesta*'; Geary, *Phantoms of Remembrance*, pp. 81–114.

[2] Davies, 'The Latin Charter-Tradition in Western Britain, Brittany and Ireland', pp. 263–74.

other hand, there is Davies' 'Celtic charter' in the British Isles and Brittany, which Dauvit Broun has argued ought to be subdivided into two divergent and distinct types, the 'Welsh charter' and 'Gaelic property record'.[3]

Davies notwithstanding, the general trend has been towards seeing these documents as representatives of niche traditions, peripheral and rather isolated on the edges of the map of civilization, evolving in contrast with the mainstream development of diplomatic. In effect, they are regarded as the work of people who did not know the formal, familiar rules of the 'proper' charter, or who chose not to obey them. The basic problem with this approach is that these documents generally break the rules in fairly predictable, even standardized ways. Seminal discussions of these texts in the Frankish empire and the insular world say exactly the same things about the contexts in which they are preserved:

> Formulae sometimes appear in narrative contexts. Such narratives are almost invariably accounts of the lives of saintly founders or of foundations. Sometimes there is enough detail or a sufficient number of formulae to suggest that the writer of the narrative had a charter-text in front of him and was incorporating it into his narrative. Sometimes there is not [...].[4]

> Many copies or summaries of charters survive because they were inserted into narrative texts such as histories or *gesta abbatum* or *gesta episcoporum* [...] Portions of early private and royal charters are [also] preserved in summary or in extensive excerpts within hagiographic and other narrative texts.[5]

This paper argues that the recurring features of these 'non-charters' are not separate localized types, and suggests that there are other ways of looking at them, neither niche nor self-contained, but as a part of the international mainstream that enjoyed a more complementary relationship with 'real' charters than we usually think. The principal purpose of this investigation is to illustrate the ways that a wide-ranging approach can reveal connections between the different types of documents and aid in their interpretation. Although some suggestions will be offered as to the reconstruction of the overall development of the early medieval tradition of charters and 'non-charters', these should be regarded as more tentative.

[3] Broun, *The Charters of Gaelic Scotland and Ireland*, esp. pp. 39–40; Broun, 'The Property Records in the Book of Deer'.

[4] Davies, 'The Latin Charter-Tradition in Western Britain, Brittany and Ireland', pp. 270–71.

[5] Geary, *Phantoms of Remembrance*, p. 82.

Ireland, East Francia, and the Earliest Extant 'Non-Charters'

The first two examples (Documents A and B in the appendix, from Armagh and Freising) are both documents that survive in early exemplars, both written in books — and both produced by scribes at major diocesan churches in the Carolingian period. They are both individual examples taken from long sequences of records, written up in prestige books as part of a concerted campaign of scribework. They are both individual entries in geographically arranged sets of property records.

Both these texts occur in sets of documents transcribed as adjuncts to the respective cathedrals' sacred books: the Armagh material is written directly into the cathedral's great copy of the New Testament, while the Freising *Traditionsbuch* was an independent volume, written to complement the church's suite of liturgical books.[6] There is thus a broad parallel between these two texts and the places they came from, but there are also a lot of differences: Armagh was an old-established diocese in an area with its own distinct cultural identity, politically and geographically detached from the Frankish and Anglo-Saxon kingdoms with which single-sheet charters are associated, while Freising was a relatively new foundation that came under direct Carolingian patronage in the 780s, very much part of the Frankish *imperium* and the charter-using world.[7] These are not places that we would necessarily expect to be marching to the same step.

The Freising text is definitely a transcript of a 'proper' charter, and retains the conventional framework of the original, whereas the Armagh document lacks protocol and witnesses — lacking, in short, all the first-person statements that are not actually true in a copy; but there are other East Frankish books of documents that show the same abbreviating tendencies as the Book of Armagh (generally distinguished as *Traditionsbücher* rather than *Kopialbücher*, their contents called *notitiae* rather than charters), and there are other 'Celtic' texts that retain witnesses and elements of protocol;[8] these two were selected because

[6] Geary, 'Entre gestion et *gesta*', p. 22, Geary, *Phantoms of Remembrance*, p. 95.

[7] For Armagh, see Charles-Edwards, *Early Christian Ireland*, pp. 422–27, 435–36. For Freising and the Carolingians, Enright, *Iona, Tara, and Soissons*, pp. 97–102; the traditional academic view that Freising rejected the Bavarian dukes for the Carolingian empire even before political annexation is questioned by Airlie, 'Narratives of Triumphs and Rituals of Submission', pp. 101–03 and n. 33, but the importance of the bishopric is not in doubt, nor is the direct relationship with the monarchy after c. 788.

[8] Geary, *Phantoms of Remembrance*, pp. 81–82; Davies, 'The Latin Charter-Tradition in

they are preserved in early manuscripts, both from the first quarter of the ninth century, and because they deal with similar transactions.

In short, both documents represent the same basic pattern, a habit of writing property documents in books. This is normally considered a particularly East Frankish practice, but the *Book of Armagh* shows that people on the opposite side of the Latin-speaking Christian world were doing exactly the same thing, at the same time. It is not particularly important that the Freising document is written in Latin and the Armagh scribe is working partially in Gaelic: in Anglo-Saxon England, charters started to be written in the local vernacular around the same time, but the change out of Latin does not mean that they cease to be mainstream charters.[9] Just as scholars see these vernacular Anglo-Saxon documents as part of a continuum of proper single-sheet charters derived from Italian models, a change of language is no reason to divide the East Frankish and insular documents into separate localized traditions.[10]

So, why write your charters in books? One popular answer is that it provided them with a level of sanctification: they are either in religious books such as Bibles, or in books that sit alongside them in holy contexts, and share some of their status, but this is not something outside the mainstream, either. During the consecration of Ripon Cathedral, royal charters endowing the new bishopric were read out at the altar, thus sanctifying the grants and the resulting lordship and *parochia* along with the mother church.[11] Charters also stayed on the altar in the long-term: the tenth-century foundation charter of New Minster

Western Britain, Brittany and Ireland', pp. 262, 266–67, 275–76. For a further instance, *Liber Cartarum Prioratus Sancti Andree*, ed. by Thomson, p. 113 contains a record of putative tenth-century date from Fife in Scotland, regarded as a fourteenth-century paraphrase of a vernacular 'non-charter' originally in Gaelic (Anderson, *Kings and Kingship in Early Scotland*, p. 58, Bannerman, 'MacDuff of Fife', p. 23; Broun, *The Charters of Gaelic Scotland and Ireland*, p. 32), but which corresponds in structure and vocabulary to Latin contracts of clientage found in Frankish formularies of the same period, e.g. *Formulae Turonenses*, ed. by Zeumer, c. 43, which was used as the archetypal example of a 'feudal' document by Ganshof, *Qu'est-ce que la féodalité*, pp. 20–21 (translated as Ganshof, *Feudalism*, trans. by Grierson, pp. 6–8).

[9] A vernacular charter of the Kentish ealdorman Oswulf to Christ Church Cathedral, Canterbury, ostensibly dated to 805 x 810, has generally been regarded as authentic since *Select English Historical Documents of the Ninth and Tenth Centuries*, trans. by Harmer, no. 1, pp. 1–2, 39–40 and Parsons, 'Some Scribal Memoranda for Anglo-Saxon Charters', p. 14; it is pushed towards the mid-ninth century by Crick, 'Church, Land and Local Nobility in Early Ninth-Century Kent', pp. 252, 265–66), but this is still within the relevant timeframe.

[10] Wormald, *Bede and the Conversion of England*.

[11] Stephen of Ripon, *Life of Bishop Wilfrid*, ed. and trans. by Colgrave, p. 36.

in Winchester, which still survives, is written in the form of a lavish book for display on the high altar, thirty pages long.[12] These are not isolated examples.

Partially, then, these books may be a practical matter — a book is much easier to keep on the altar than a lot of single sheets — but this practice was mainstream. There is also an overlap between these early Bibles and *Traditionsbücher* and the later cartularies — the Worcester Nero-Middleton cartulary of the mid-eleventh century, for example, contains documents with the technical passages heavily abbreviated, added to a Bible.[13]

If this approach to documents was shared by important centres in early Ireland, Carolingian Europe, and late Anglo-Saxon England, it ceases to be localized, or anything except mainstream. In fact, once one starts looking, one realizes that examples of such documents are everywhere. At first sight, continental examples outside East Francia seem less easy to come by, but that is largely because the records that survive have often been turned into history and hagiography, embedded in narrative texts; the end product in Gaul seems surprisingly similar to the later material in Ireland and Wales, and if we infer underlying charters behind Frankish texts, we should pay Celtic ones the same compliment, perhaps with *Traditionsbücher* as intermediaries in both cases: the problematic archives of monasteries such as Montier-en-Der, or Abingdon in England, where the earlier strata of the extant material contains a mix of narrative *gesta* incorporating charter formulae, and dubious or 'forged' charters that seem based at least in part on the narrative sources, can perhaps be explained as material transmitted through the same sort of process of preservation.[14]

The question then becomes a new one: where did the tendency to write documents in books come from, and can this tell us how it interacted with the production of single sheets? The answer may lie with other early examples of continental books where the documents are presented straightforwardly as copies of single sheets. We thus need to shift our perceptions slightly, and turn to the early secular material — the Roman material.

[12] BL, MS Cotton Vespasian A.viii, printed in *Charters of the New Minster, Winchester*, ed. by Miller, no. 23.

[13] Tinti, *Sustaining Belief*, pp. 75–150 (esp. pp. 125–36, 149).

[14] *The Cartulary of Montier-en-Der*, ed. by Bouchard, pp. 11–17; *Charters of Abingdon Abbey*, ed. by Kelly, 1 (2000), pp. cxcv-cciv, 24–27. This model of source-preservation has obvious implications for how we assess the authenticity of documents not preserved as single-sheets: consider, for example, the questions and assumptions outlined by Goffart, *The Le Mans Forgeries*, pp. 22–24, 55–57.

The Lost Gesta of the Pre-Carolingian West

Geary and Davies drew similar conclusions about the context and purpose of continental and insular 'non-charters'; they also offer very similar hypotheses about their origins. For Davies, discussing the insular evidence:

> The most intelligible context for the early development of the practice would then lie [...] in the attempts of the bishops to secure endowments and register them with their city councils, as required by the state'.[15]

In discussing the continental examples, Geary reaches an essentially identical conclusion, although he does not cite Davies directly, and it is thus not clear if the implicit parallel is deliberate or not:

> The *notitiae* of the eighth century stand in a long tradition that reaches directly back to the *gesta municipalia* of the late Roman city. The forms of notices prepared before urban magistrates shade directly into those prepared before the bishop.[16]

In short, both insular and continental scholars have identified the same model for the problematic class of early medieval texts: the *gesta municipalia* of the Roman Empire, the official registers of local property transactions that every *civitas* or local polity in the empire was required to maintain. These consisted of sequences of documents written into books rather than individual single sheets, and they continued to be kept up in northern Gaul (for example at Le Mans) into the early Middle Ages, although the belief that organized municipal archives survived until at least the first years of the ninth century has recently been challenged by Alice Rio.[17] Instead, she argues, the role of maintaining local archives had passed to the church.

Yet discussion of the *gesta municipalia* often seems somewhat vague, because of a problem that is rarely spelled out except in specialist studies: we have no surviving examples of these documents.[18] Single sheets and secondary refer-

[15] Davies, 'The Latin Charter-Tradition in Western Britain, Brittany and Ireland', pp. 279.

[16] Geary, *Phantoms of Remembrance*, p. 85.

[17] *The Formularies of Angers and Marculf*, trans. by Rio, pp. 255–58, Rio, *Legal Practice and the Written Word*, pp. 78–81, 177–82; for the older view, see Wickham, *Framing the Early Middle Ages*, pp. 110–11. The standard published work on *gesta municipalia* in general is still Hirschfeld, *Die Gesta Municipalia in römischer und frühgermanischer Zeit*.

[18] The formularies, collections of legal documents designed to serve as exemplars for scribes, contained documents associated with the entry of deeds in *gesta municipalia*, incorporating both the grants themselves and minutes from civic council meetings (e.g. *Formulae*

ences refer to documents being enrolled in the registers, and it is possible that they served as a source for formularies, copy-books of model texts for composing various types of documents.[19] But discussion has not progressed further, because we do not have the registers, and we do not know the sorts of texts they contained. The extant papyri from Italy appear to contain some *gesta municipalia* fragments, but little predates the influence of Justinian's reforms.[20] They can thus tell us nothing directly about the earlier period, or indeed the ultramontane provinces.

This is important for two reasons. Firstly, it is a strong reminder that key components of the early medieval documentary framework have disappeared, and that the single sheets so prized by modern scholars were not the be-all and end-all.[21] Secondly, without examples of *gesta municipalia*, it is hard to frame the documents that do not survive as single sheets within the pattern of formal preservation. Were documents transcribed in the *gesta municipalia* copied complete, or was it enough to abbreviate them and produce books of *notitiae*? Were there variations in the fullness of the transcription? How much did they look like the problematic early medieval documents, in other words? And how much legal weight was carried by the act of copying itself — a public, formally witnessed ceremony — regardless of the lack of legal formulae in the transcribed text? It is sometimes stated that the municipal registers existed primarily to enable accurate valuations for the tax system, causing puzzlement

Andecavenses, ed. by Zeumer, no. 1, pp. 4–5, *Formulae Marculfinae aevi Karolini*, ed. by Zeumer, nos 37–38, pp. 97–98; trans. in *The Formularies of Angers and Marculf*, trans. by Rio, pp. 47–49, 218–19); but these appear to be either scripts for the municipal court ('elaborate prescriptions for *gesta*, public procedure': Davies, 'The Latin Charter-Tradition in Western Britain, Brittany and Ireland', p. 275) or perhaps the receipts issued to the beneficiary (cf. *Formulae Marculfinae aevi Karolini*, ed. by Zeumer, no. 38), not style-sheets for the *codices publici* themselves.

[19] Wood, 'Disputes in Late Fifth- and Sixth-Century Gaul', p. 9. By implication, early formularies drawn up in 'municipal courts' would expect the local archives to be *gesta municipalia*: Wood, 'Administration, Law and Culture in Merovingian Gaul', p. 65.

[20] *Die Nichtliterarischen Lateinischen Papyri Italiens*, ed. by Jan-Olof Tjäder, I (1954), nos 10–11 and II (1955), nos 31, 33. I have found no more detailed English discussion than a brief citation in Wood, 'Disputes in Late Fifth- and Sixth-Century Gaul', p. 14 and nn. 44–45, but for the Justinianic reform, see Steinhoff, 'Origins and Development of the Notariate at Ravenna', pp. 30–41. I have not been able to consult Carlton, *A Linguistic Analysis of a Collection of Late Latin Documents*.

[21] The fact that any extant corpus of medieval evidence is defined entirely by patterns of source-survival that may bear no relation to patterns of documentary production is an underresearched topic, but see Garrison, '"Send More Socks"'.

for historians when the registers outlast the tax system,[22] but inherent in the thinking of both Geary and Davies is the idea that *gesta municipalia* were valid as property records in their own right, and this view is borne out in primary evidence: in AD 414, the Emperor Honorius legislated that 'a private document is superfluous when a public muniment suffices'.[23] In 537, when Justinian imposed a much stricter format of protocol and witnesses for single sheets, the legislation conceded that documents entered in the *gesta municipalia* did not require an authenticating structure, as they held probative status due to the simple fact that they had been formally inscribed there.[24] As it is essentially a counterweight to the thrust of the legislation, this concession need not have been new. It is thus possible to imagine Roman municipal registers that looked exactly like the texts we are discussing, their contents validated by their physical context in the appropriate books and by the social framework in which transcription took place, without reference to the authenticating features used in single sheets.

One surviving record of a grant from a Roman municipal archive can, in fact, be studied, and it tends to support these conjectures, although it comes from a very different context at the far end of the empire. This is a record of two imperial grants to Cherson in the Crimea in years either side of AD 300, which have been preserved in the tenth-century compendia of the Byzantine emperor Constantine VII. In its current form, the source is primarily narrative, structured by year-dates apparently derived from a set of annals; but the series of events recorded form an explanatory *narratio* for the climactic grant of tax-exemption from Diocletian and its confirmation and extension by Constantine.[25] To say that this is a Celtic charter is obviously absurd, but typologically, it nonetheless conforms to the criteria. It has a *narratio*, elements of protocol in the quasi-annalistic dating, a detailed dispositive clause, and the concluding reference to

[22] Wickham, *Framing the Early Middle Ages*, pp. 70, 97, 110–111.

[23] Steinhoff, 'Origins and Development of the Notariate at Ravenna', p. 25, citing *Codex Theodosianus*, VII. 52. 6; a similar conclusion is reached by Wood, 'Disputes in Late Fifth- and Sixth-Century Gaul', p. 14, building on a passing remark by Classen, 'Fortleben und Wandel spätrömischen Urkundenwesens im frühen Mittelalter', p. 49.

[24] Steinhoff, 'Origins and Development of the Notariate at Ravenna', pp. 32–36, citing *Novella*, 73.

[25] Constantine VII Porphyrogenitus, *De Administrando Imperio*, ed. by Moravcsik, c. 53, pp. 259–68; Nadel, 'Literary Tradition and Epigraphical Evidence'; see also Constantine VII Porphyrogenitus, *De Administrando Imperio*, ed. by Moravcsik, c. 31, pp. 149 for another charter-like text, a sort of papal grant, with sanction clause, in favour of the Croats.

the Chersonese ambassadors who were present when the grant was made and returned home with the news may serve as a minimal witness-list.[26] It is also true to say that it is a record of a grant from around AD 300, preserved in a municipal record. It extends the range of 'problematic' documents both chronologically and geographically, and also ties them back into the stylistic forms of the Roman municipal archives.[27] This potentially makes these 'problematic' documents much less problematic, but the next step is to proceed forward chronologically, and consider the documents that survive in books, to see what sense can be made of them from this new, wider perspective.

Perhaps the most significant example is the founding document of the Middle Ages — the Donation of Constantine, which has most of the key features we often associate with 'Celtic charters', including rampant unreliability as a text and preservation as a copy in books, yet which staked a major claim to legal title in Italy and Gaul, the areas most associated with proper single sheets, and which was widely accepted as authentic until the Renaissance.[28] Another, more reputable, Roman example exists in the form of the law-codes, which are of course Imperial writs written into books — but which also contain a significant percentage of documents with misdated protocol,[29] generally regarded as a purely textual problem, but perhaps indicative of revision and falsification.

Improving source material, or simply making it up, is not a particularly counter-cultural idea. The difference is, we can see the process in action in the Roman law codes, just as we can glimpse sequences of Frankish and Anglo-Saxon property documents behind the church histories of major monasteries and bishoprics. The only fundamental difference is that we think of the Romans and the Franks and the Anglo-Saxons as users of conventional documents, so

[26] 'Ἐφοδίος δὲ καὶ δώροις πλείστοις τότε τιμηθέντων ὑπὸ τοῦ θεοφιλοῦς βασιλέως Κωνστανίνου, τοῦ τε Διογένους καὶ τῶν σὺν αὐτῷ, κατέλαβον τὴν Χερσονητῶν ἀποκομίζοντες καὶ τὰς θείας φιλοτιμίας': Constantine VII Porphyrogenitus, *De Administrando Imperio*, ed. by Moravcsik, c. 53, pp. 267.

[27] Given the fact that *gesta municipalia* were overseen by local civic councils of the Roman Empire, it is noteworthy that Cherson retained its independent municipal government until the 830s, when the Emperor Theophilus superimposed a military governor to support the new outpost at Sarkel on the Don, four hundred miles to the north-east (Constantine VII Porphyrogenitus, *De Administrando Imperio*, ed. by Moravcsik, c. 42, pp. 185).

[28] For a recent discussion of its origins, see Fried, *'Donation of Constantine' and 'Constitutum Constantini'*, pp. 53–110.

[29] There seems to be no modern study of this problem as a general topic; for two of the many individual examples, see Barnes, 'New Year 363 in Ammianus Marcellinus', pp. 5–6; Corcoran, 'Galerius's Jigsaw Puzzle'.

we read their less-conventional texts with that in mind. People tend to assume that a non-standard charter represents a précis of a normal single sheet in these contexts, because they presume they *should*. And those people may well be right — the problem is, if that is the right interpretation in Byzantium, in southern Gaul, and in the north of England, it is probably *also* right at Armagh, in Bavaria, in Brittany, and more widely still.[30]

In effect, documents written into books indicate the existence of more conventional documents; they indicate a knowledge of charters, and where they appear to be strange, *sui generis* productions, hovering puzzlingly beyond the limits of the area where we think conventional charters were used, it is only, perhaps, due to the absence of the originals on which they were based — and the disappearance of their own counterparts in the Frankish counties and Italy, the *gesta municipalia*. If this hypothesis is correct, single sheets and 'non-charters' copied into books are complimentary types of text in more ways than one: both represent patterns of source-survival where one half of the original documentary record has disappeared.

The differing patterns of source survival in the different areas also suggest a possible model for how *gesta* could have changed from a civic record to something preserved in religious books; in the insular world and in East Francia, major churches assumed some of the functions of the municipal government, exercising quasi-governmental legal jurisdiction in their estates; as such, as surrogates for the *civitas*, it would make sense for them to create archives analogous to the *gesta municipalia*. Alice Rio's research has proposed a similar development in Gaul itself by the eighth century.[31] It is even possible to extend this idea further, and posit an explanation for the apparently rapid adoption of private seigneurial cartularies in France and the Low Countries under the late Carolingian and early Capetian rulers, a rapid diffusion that has been seen as something of a puzzle.[32] The new abbeys and barons defined their status by the

[30] Davies, 'The Latin Charter-Tradition in Western Britain, Brittany and Ireland', pp. 261 and n. 19, cites two credible sixteenth century references to early medieval single sheets surviving until the Reformation at St David's Cathedral in south-west Wales.

[31] *The Formularies of Angers and Marculf*, trans. by Rio, pp. 258, Rio, *Legal Practice and the Written Word*, pp. 181–82; Rio's main evidence is an eighth-century will (*Collectio Flaviniacensis*, ed. by Zeumer, c. 8) that appears to gloss a formulaic reference to *gesta municipalia* registration with a more practical mandate to preserve it in a church archive, but the Latin will bear an alternative interpretation: the document was to be kept in the church archive during the testator's lifetime, *until* it was opened and enrolled in the *gesta municipalia*.

[32] Geary, 'Entre gestion et *gesta*', pp. 15–17; Geary, *Phantoms of Remembrance*, pp. 100–03.

acquisition or assertion of the autonomous authority that had previously been associated with the *civitas*, the insular monastery, and the East Frankish minsters; it would stand to reason that they would thus begin to archive their documents in books, on the model of the *gesta municipalia* that had still been kept up in the ninth century.

That said, not everything in a book is necessarily an archival copy: we also have the type of document represented by the next two examples, both of which come from the British Isles, towards the end of the period under discussion.

Documents Written Directly into Books in the Post-Viking British Isles

Document C is from the church of Deer, a relatively local and apparently non-monastic centre in Buchan in Scotland; it is from the end of the twelfth century, and is chronologically one of the latest examples of a 'non-charter' as defined in this discussion. The most recent studies by Dauvit Broun have argued that this is a 'Gaelic property-record', a distinct type of document produced by the vernacular culture in Scotland and Ireland, which represented a conscious rejection of the orthodox charter format.[33] Document D, in contrast, is from Kent in south-east England, and dates somewhat over one hundred years earlier; it was issued in favour of Canterbury Cathedral by the Danish king Cnut, in an area where the use of conventional charters was well established, and is regarded as a prototype of the royal writ.

Even more so than the earlier pair of examples, these are broadly similar, being somewhat condensed versions of the format would be expected in a 'proper' charter of the period — and both, this time, are written in the vernacular. Both are concerned with the same thing, the restoration of ancient liberties to important churches in the grantors' territory. The Canterbury text has some sections that have no direct parallel in this Deer example — the offering at the altar and the sanction — but these were well known in Scotland; the same scribe who wrote the Deer document added sanctions to two earlier texts in the same volume.[34]

[33] Broun, *The Charters of Gaelic Scotland and Ireland*, esp. pp. 44–47; see also Broun, 'The Writing of Charters in Scotland and Ireland', and Broun, 'The Property Records in the Book of Deer', pp. 313, 328.

[34] Broun, 'The Property Records in the Book of Deer', pp. 344, 347–38; for the offering at the altar in Scotland, see the St Andrew's text in Taylor and Márkus, *The Place-Names of Fife*, III, 573–74, and, implicitly, the Abernethy text printed in Anderson, *Kings and Kingship in Early Scotland*, pp. 247; the reference here to the singing of the Alleluia indicates the physical con-

These examples are also written in very similar contexts, both being added on blank pages in Gospel Books. The Deer document is the last in a set stretching back to around 1130, which in turn follow on from a long sequence of *notitiae* of the type we have already encountered. The Canterbury text is the only property document in the particular book in which it survives, but other documents were added to other Gospels owned by the Cathedral at around the same time, including several in a pocket Gospel of Irish provenance, a manuscript of the same class as the *Book of Deer*.[35] The major difference from the documents discussed above is that these are the work of individual scribes, drafting single documents at a time, rather than copying whole sequences from older sources.

As noted above, the tendency today is to see the Deer documents as representatives of an indigenous insular approach unique to Ireland and Scotland; but in reality, we see the pattern being repeated across cultural and political boundaries. If this type of document was also used by the ruler of the North Sea world to make a fairly significant benefaction to the most important church in his empire, it is clearly not appropriate to see them as specifically 'Gaelic property-records'.

This is a very important point. Canterbury was a major centre, and Cnut was a major ruler, both perfectly capable of using what we think of as 'proper' charters. In fact, a proper Latin charter recording the same Canterbury grant also survives, although it is regarded as a later forgery.[36] The people involved in the Book of Deer also had access to perfectly standard types — one of the documents in this book is in Latin and evidently based on the normal rules of the period, which emphasizes that we are working in a bilingual context, rather than with separate linguistic and cultural traditions.[37] This is neither a localized

text of the offertory in the 'Gallican' rite used by the early Christian church in the British Isles (Duchesne, *Christian Worship*, trans. by M. L. McLure, pp. 205–06); although neither reference can be confidently called historical, the context indicates that the same ceremonies recorded at Canterbury were thought appropriate in Scotland.

[35] The Book of Mac Durnan (London, Lambeth Pal., MS 1370), containing S 959, S 986, S 1386, S 1464, and S 1466; the first two are further *acta* of Cnut, and are discussed by *Anglo-Saxon Writs*, ed. and trans. by Harmer, pp. 171–72, 182–84, 448–50; for the shared context of the two manuscripts, see Alexander, *Insular Manuscripts*, pp. 86–87, and Henderson, 'Understanding the Figurative Style and Decorative Programme in the Book of Deer', pp. 32–66.

[36] S 952.

[37] *The Charters of King David I*, ed. by Barrow, no. 136, pp. 119; it seems likely, though not completely certain, that this document is a transcript from a conventional sealed single-sheet original.

tradition on the periphery, nor something disconnected from the use of single sheets and the conventional diplomatic tradition.

Instead, it is arguable that these documents exist precisely *because* of that access to the mainstream. The Canterbury document is very clearly a record of a transaction that was made in public, addressed to another public forum, the shire court of Kent, and there is nothing to say that it was not written down there and then.[38] The *Book of Deer* was presented as evidence in the royal law-courts,[39] and the particular document quoted here records a later transaction at a more local assembly, in the presence of the good men of the province of Buchan.[40] In short, these documents are locked right into the emerging state administration of the period.

With that in mind, it is possible that the same might be true of other non-standard documents of this period, such as the Irish ones in the *Book of Kells*.[41] Historians often characterize the medieval state as a centralizing force, and thus cast non-standard documents and the societies they represent as its opponents, perhaps its victims, or at best as representatives of a transitional phase from oral society to formal documents.[42] But the parallels — from Scotland, and from England — would suggest exactly the opposite; that we should put the *Book of Kells* in the same context as the coronation statutes of Henry I and the Magna Carta.

So, to return to the opening question: when is a charter not a charter? The broad answer, I suggest, is when it comes from an area where we don't think they should be using charters. When non-standard documents come from areas where we confidently expect a conventional state using conventional documents, we're equally confident in reading between the lines to describe them

[38] *Anglo-Saxon Writs*, ed. and trans. by Harmer, p. 446, suggests a date in the late eleventh century, but acknowledged that earlier dates had been proposed by others; a detailed argument for a date broadly contemporary with the grant is made by Dumville, *English Caroline Script and Monastic History Studies in Benedictinism*, pp. 116–17.

[39] As recorded in *The Charters of King David I*, ed. by Barrow, no. 136.

[40] Jackson, *The Gaelic Notes in the Book of Deer*, no. VI. The Gaelic word *maithe*, 'good men' is synonymous with the phrase *probi homines*, the standard term for law-worthy men in Scottish charter-Latin from the reign of David I (*The Charters of King David I*, ed. by Barrow, pp. 12–13); but it is attested much earlier, in the Book of Armagh texts discussed above ('du maithib Callrigi', *The Patrician Texts in the Book of Armagh*, ed. by Bieler, no. 172).

[41] Recent scholarship and debate on the Kells material and its context is summarized by Flanagan, *Irish Royal Charters*, pp. 12–19.

[42] Broun, *The Charters of Gaelic Scotland and Ireland*, pp. 37, 41–42.

as adaptations from conventional charters. In the Canterbury document, it is only that context that makes us speak of 'charters' rather than 'liberties' in the translation. That perception, I think, should serve as a corrective on the rest. Historians should be wary of conventional dualistic interpretations when they encounter non-standard documents from areas where there are no standard single sheets or formulaic chartulary copies to corroborate the existence of a coherent charter tradition; they should instead ask two questions: does the evidence contain indications that these non-standard texts existed in conjunction with formulaic charters; and have later events obliterated the libraries and archives that might have once contained corroborating single sheets or more 'complete' cartulary copies? The answer, one suspects, will often be 'yes' in both cases.

Appendix

Document A

Lord and client to Bishop Patrick of Armagh, north of Ireland, ostensibly *c.* AD 440; copied in the Book of Armagh, 807 (Latin and Old Irish).[43]

> Veniens Patricius in finem Calrigi babtitzauit filium Cairthin et Caichanum, et postquam babtitzauit obtulerunt filius Cairthin et Caichan quintam partem Caichain Deo et Patricio, et liberauit rex Deo et Patricio.
>
> Hae sunt fines quintae partis: .i. coicid Caicháin: Otha glais Telchæ Berich a Braidne conrici forcuisin Tuilgos di sleib.[44] Otha glas Conacolto cu rReiriu 7 ótha crich Drommo Nit cu glais Tamlachtæ Dublocho la gglais cu Grenlaich Fote, la Ront timmchell na Santo co Sescen in Da Cor, a Sescunn Da Cor la descert Léni, la Fur conrici hUcht Noi n-omne, co nDairiu Mór, co nDariu Medóin, co nDariu Méil, co nDruim Toidached la gglais conrici Conaclid.
>
> Atrópert flaith 7 aithech in so huile i tosuch iar tabuirt baithis duaib.

[43] *The Patrician Texts in the Book of Armagh*, ed. by Bieler, pp. 172; for discussion, see pp. 46–49, and for the date, Sharpe, 'Palaeographical Considerations in the Study of the Patrician Documents in the Book of Armagh'. The paragraph breaks and translation here are my own, although I have followed Bieler and Kelly in the orthography of Old Irish names.

[44] The phrase *forcuisin Tuilgos* is a textual crux, represented by the ellipsis in the translation; 'Tuilgos' is interpreted as a name by Bieler and Kelly, but due to the corruption of the passage, I have opted to omit it.

Translation:

> Patrick came into the bounds of Calry and baptized Macc Cairthin and Caichanus, and after he baptized them, Macc Cairthin and Caíchán offered Caíchán's fifth part to God and Patrick, and the king made it free for God and Patrick.
>
> These are the bounds of the fifth part, i.e. *the fifth of Caíchán, from the stream of the hill of the sharp brow as far as* [...] *from the mountain; from the stream of Conaclid to Reiri and from the bounds of the ridge of Nit to the stream of Black Lough burial-ground, by the stream to the long swamp; by Ront round Sant to the moor of two hillocks, from the moor of two hillocks by the south of the meadow, by the pasture as far as the hill of nine trees, with the Great Oakwood, the Middle Oakwood, the Oakwood of Fidas, the Oakwood of Méil, with the ridge of the North Field, by the stream as far as Conaclid*.
>
> *Lord and client offered this immediately after baptism was given to them*.

Document B

Duke and kindreds in Bavaria to Bishop Joseph of Freising, *c*. AD 750; copied into the Freising cartulary, *c*. 825 (Latin).[45]

> Dum in Dei nomine ego Iosephus episcopus pastor atque rector dominicarum ouium consistentium beate Dei genetricis Mariae seu e ceterorum sanctorum in castello nuncupante Frigisinga dum erga eodem loco conexae arue ducali pascua non sufficerant, appetiui locum ad proprios heredes quo uocatur Erchinga et ibidem pro necessitate domos construxi, quia ante iam temporibus plurimus inculta atque deserta remansit, omnes autem possessores huius loci prumptis uiribus donantes atque tradentes pro remedium animarum suarum, inprimis gloriosissimus Tassilo dux Baioarorum quicquid ad Feringas pertinebat, pariter ipsis consentientibus Alfrid cum fratribus suis et participibus eorum atque consortiis, reliquas autem partes quicquid ad genelogiam quae uocatur Fagana pertinebat tradiderunt ipsi, id sunt, Ragino, Anulo, Uuetti, Uurmhart et cuncti participes eorum, donantes atque transfundentes seu firmitatem secundum ius Baioarorum facientes ut ipsaque huius loci, id st Erichiga fines utrorumque genealogiarum sine fraude ditionibus beate praedicte Dei genetricis Maria consistere in perpetuum firma permaneat, ut nulla requisitio ab heredibus uel futuris prolibus eorumque qui firmitatem nectebant adesse debeat.

[45] München, Bayerisches Hauptstaatsarchiv, MS Freising 3a, fols 9^{r}–10^{v}, online at <http://www.bayerische-landesbibliothek-online.de/cozroh> [accessed 12 December 2011]; discussed by Murray, *Germanic Kinship Structure*, pp. 103–07. Capitalization of proper names has been introduced for clarity, and contractions silently expanded; the translation is my own.

Ut siquis contra haec firmitatis epistolam fraudare conauerit, cum praedictam Dei genetrice Mariam communicet causam. Id itaque epistola firmitatis huius praesente domno inlustrissimo duce nostro Tassilone et iudicum eius consentientibus cum illo pariter quorum nomina ex parte scripta hinc retinentur qui signum manuum eorum firmauerunt.

† Signum manus Tassiloni ducis. † Signum manus Raginonis testes qui enterfuit. † Signum manus Oadalhart testes qui enterfuit. † Signum manus Aliuuic testes qui enterfuit. † Signum manus Tatonis testes. † Signum manus Chuniperhti. † Signum manus Puni. † Signum manus Hrodhardi iudicis. † Signum manus Pettonis. † Signum manus Odalfret. † Signum manus Reginperti. † Signum manus Einhardi.

Actum in villa qui dicitur Deoinga, regnante domno inlustrissimo duce nostro Tassilone die tertio mensis septimi anno tertio regni eius. Et ego Tassilo dux Baioarorum confirmavi hanc epistolam.

Ego Atto indignus presbiter iussus conscripsi.

Translation:

So in the name of God, I Joseph, bishop, pastor and shepherd of the Lord's sheep alongside Mary the blessed mother of God and the other saints in the castle called Freising;

As insufficient pastures had been attached to the same place from the Ducal estates, I sought the place called Eriching from its rightful heritors, and there built the necessary houses, where before it remained uncultivated and abandoned for a long time;

All the possessors of this place gave and transferred with full authority, for the remedy of their souls. Firstly, His Grace Duke Tassilo of the Bavarians, gave whatever belonged to the Ferings, they also consenting — Alfrid with his brethren, and their followers and consorts. The kindred which is called Fagana gave the other parts pertaining to them — that is Ragino, Anulo, Wetti, Wurmhart, and several of their followers.

They gave and conveyed, making firm according to Bavarian law, both kindreds surrendering this place, i.e. Eriching, without fraud to the authority of the aforesaid Mary, blessed mother of God, to remain firmly thus forever, with no claim from the heirs or future descendants, so that if any one connives fraud against this letter of agreement, they would be challenging the aforesaid mother of God, Mary, and also the authority of this letter, written in the presence of the noble lord our Duke Tassilo and his judges consenting equally with him, who confirmed with the sign of their hands, and whose names are retained here.

† Sign of the hand of Duke Tassilo † Sign of the hand of Ragino the witness who was present † Sign of the hand of Athelhard, the witness who was present † Sign of the hand of Aliwic the witness † Sign of the hand of Tato the witness † Sign of the hand of Cunipert † Sign of the hand of Purn † Sign of the hand of Rodhard the judge † Sign of the hand of Petto † Sign of the hand of Athelfrith † Sign of the hand

of Reinbert † Sign of the hand of Einhard.

Said in the villa called Deoing in the reign of His Excellency our lord Duke Tassilo, the third day of September, in the third year of his reign. And I Tassilo Duke of the Bavarians confirm this letter.

I, Atto, unworthy, wrote as ordered.

Document C

Earl Colbán to the Church of Deer, *c*. 1175; apparently contemporaneous entry in a Deer Gospel-book (Gaelic).[46]

In nomine Sancti Trinitatis,[47] Ro báid Colbán in mormér Buchan 7 Éua ingen Garnait a ben phústa, 7 Donnachac mac Síthig tœsech Clenni Morgainn, na h-uli edbarta ri Dia 7 ri Drostán 7 ria Colum Cilli 7 ri Petar apstal, ó na h-ulib dolaidib, ar chuit cetri dabach don-í thíssad ar ard-mandaidib Alban cu cotchenn 7 ar a h-ard-chellaib.[48]

Testibus his: Bróccín, 7 Cormac abb Turbruaid, 7 Morgunn mac Donnchid, 7 Gilli-Petair mac Donnchaid, 7 Mal-Fæchín, 7 dá mac Matni, 7 mathe Buchan huli 'n-a fiaidnaisse i nHelain.

Translation:

In nomine Sancti Trinitatis, Colbán, earl of Buchan, and Eva daughter of Gartnait his lawful wife, and Duncan mac Shaw, captain of Clan Morgan quit all the offerings to God and to Drostan and to Colum Cille and to Peter the Apostle, from all dues, for the render of four davochs, as that which applies for the chief lordships of Scotland and for the chief churches.

Tesibus his: Bróiccin and Cormac abbot of Turiff & Morgan mac Duncan & Gille-Petair mac Duncan & Malothen and the two sons of Maítne and all the good men of Buchan attested it in Ellon.

[46] Cambridge, CUL, MS Ii.6.32, fol. 5[r], printed in Jackson, *The Gaelic Notes in the Book of Deer*, no. VI., pp. 21–22, 32, and again by Forsyth, Broun, and Clancy, 'The Property Records'. Editorial square brackets indicating 'missing letters' in the original have been omitted; the translation is again my own.

[47] The opening invocation of the Trinity, written across the top of the page, was omitted from the text by Jackson, *The Gaelic Notes in the Book of Deer*, and the interpretation of it as a component of the document follows Forsyth, Broun, and Clancy, 'The Property Records', pp. 134–35. It is paralleled in the most formal single-sheet charters of this period in Scotland.

[48] The phrase *ar chuit cetri dabach don-í thíssad* has prompted differing interpretations. See Broun, 'The Property Records in the Book of Deer', pp. 338–42.

Document D

Cnut to Christ Church Cathedral, Canterbury *c.* 1018; apparently contemporaneous entry in a Canterbury Gospel-book (Old English).[49]

> † Cnut cing gret Lyfing arcebisceop 7 Godwine bisceop 7 Ælmær abbot 7 Æþelwine scírman. 7 Æþelric. 7 ealle mine þegnas. Twelfhynde 7 twihynde freondlice. 7 ic cyðe eow þæt se arcebisceop spæc to mé ymbe Cristes cyrcean freols. þæt heo hæfð nu læsse munde þonne hio hwilan ær hæfde. Þa lyfde ic him þæt he moste níwne freols settan on minan naman. Þa cwæð he to me þæt he freolsas genoge hædfe gyf hi aht forstodan.
>
> Þa nam ic me sylf þa freolsa 7 geléde hi uppan Cristes agen weofod on þæs arcebisceopes gewitnysse. 7 on Þurkilles eorles. 7 on manegra goddra manna þe me mid wæron to ðan ylcan foreweardan þe hit Æþelbyrht cing gefreode. 7 ealle mine foregencgan. þæt næfre nan man ne sy swa dyrsti. sy he gehádod. Sy he læwode þæt ænig þara þinga gelytlie þe on ðam freolse stænt.
>
> Gyf hit hwa þænne dó sy his lif her gescert. 7 his wunung on helle grúnde butan he hit þe stiðlicor gebéte ær his ænde be þæs arcebisceopes tæcincge.

Translation:

> † King Cnut greets Archbishop Lyfing & Bishop Godwine & Abbot Ælfmær & Sheriff Æthelwine & Æthelric & all my thanes, twelve-hundreders & two-hundreders, as friends; & I tell you that the Archbishop spoke to me about Christ Church's charters, that it has now less lordship than it once had. Then I gave him leave that he must set new charters in my name. Then told he to me that he had many charters, if they stood for aught.
>
> Then took I the charters myself and laid them up on Christ's own altar, on the Archbishop's witness & Earl Thorkill's, & on many good men's that were with me there, to the like terms that King Æthelbert freed it and all my forebears, that never man be so bold, neither clerk nor lay, that he belittle any thing that stand in the charters.
>
> If there be one that do so, may his life be shorter, & his dwelling in the abyss of hell, unless he stiffly repay before his end, by the Archbishop's instruction.

[49] *Anglo-Saxon Writs*, ed. and trans. by Harmer, no. 26, pp. 181–82, and for commentary, pp. 168–71, 446–48; all contractions and abbreviations have been silently expanded, and the translation is once again my own.

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Destroying Documents in the Early Middle Ages

Antonio Sennis

In an unspecified month of the year 781 Pando, an inhabitant of the city of Rieti, some fifty kilometres north-east of Rome, accused the monks of Farfa of usurping his legitimate rights over a local church that the monks claimed to have received from the duke of Spoleto. Once in front of the judges, Pando declared that when the duke had donated the church to the monastery he had acted unlawfully, because the *palatium* did not have any right over that property. Farfa's *advocatus* pointed out that the issue had already been brought in front of a tribunal which had decided that the duke's action had been rightful. Moreover, he continued, Pando himself had a document that proved this. The judges asked Pando to shed some light on the matter, and he replied that some years before he had indeed been summoned by his brother, Teuto the bishop of Rieti, who was on his deathbed. Teuto had given him a document related to that dispute, but he had thrown it into the fire thus destroying it. At this point the judges, perhaps a bit superfluously, asked Pando and two members of his kin about the content of that text, to which they gave quite different, but equally revealing, answers. One of them, a priest named Agio, said he had read it but could not remember its content. Another, a certain Ursus, declared that he did not know what it said. Pando was perhaps the most honest and, with a certain candour, declared: 'Had it been favourable to us we would hardly have thrown it into the fire'. He and his kin lost the dispute and, in addition, were fined for destroying the document.[1]

[1] *I Placiti del "Regnum Italiae"*, ed. by Manaresi, 1 (1955), no. 5.

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Usually, when trying to understand what possible motives lie behind the destruction of documents, our attitude is rather ambiguous. On the one hand, we belong to social groups whose institutions put the destruction of documents into practice regularly and in most cases, at least allegedly, in order to secure rather than endanger our well-being. The benefit of the cancellation of an offence from someone's criminal record or the discarding of documents whose indiscriminate preservation would cause the collapse of the archival system are just two possible examples of which one could think.[2] On the other hand, our instinctive attitude towards the destruction of documents can, at the same time, be rather wary. This is because it is quite usual to establish a direct causal connection between the destruction of documents and oblivion, and our attitude towards oblivion is wary indeed.

Moreover, as historians, we are wary because we are aware of the fact that it is precisely from this process of selection and destruction that we draw the materials on which to base our research. As a consequence, there is the tendency to consider the destruction of documents, these fractures in what is otherwise considered to be an inherently continuous flux of transmissible memories, either as an act of barbaric and savage fury, the irreparable by-product of ignorance, or as a deliberate, and non-historical because immutable in its essence, attempt to conceal the truth, to manipulate memory for strategic reasons.

It is undeniable that, as shown by the case of Pando and his kin, a document could be destroyed in the attempt, more or less clumsy and more or less successful, to conceal reality. We could add, however, that if Pando and his kin were successful in destroying the document, they ultimately failed in their attempt to manipulate reality. The network of social memories to which they belonged and in which all their acts were immersed acted as a substitute for the written words that they had erased. We store information in a variety of ways, and when we destroy our scripts, we do not always destroy the memories that go with them. But there is more than that. Precisely because it was such a momentous act, destroying a document, or a *corpus* of documents, could have connotations other than these quite obvious ones: it could be the result of a more complex series of acts and could have different meanings.

But is the destruction of documents such an obvious incident, easily understandable and without any deeper connotations to its meaning than those

[2] For a possible ancient example of discard see Baker and others, *The 6G Ash-Tip and its Contents*, pp. 20–21. An historical overview is Zanni Rosiello, 'Spurghi e distruzioni di carte d'archivio'. For some extreme views on discard in contemporary archive practice, see Rapport, 'No Grandfather Clause' (with the critical reply by Benedict, 'Invitation to a Bonfire').

I have just mentioned? Were documents not perhaps destroyed for a greater array of motives? Can the destruction of documents not be studied as a fluid and complex phenomenon, whose norms, practices, and meanings could vary according to the context in which it took place?

Political Conflicts

Medieval lay people and clerics formed a social and cultural context in which it was quite well known that documents could be, and were, lost or destroyed and what the implications of this were. The most common situation was a consequence of the ruin or destruction of a monastery. The loss of the contents of the community's archives, which might already have occurred or simply be feared, could become the object of a specific account, as in the case of Montecassino, or even prompt the undertaking of a narrative task as happened, in the twelfth century, both at S. Clemente at Casauria and at S. Bartolomeo at Carpineto.[3]

However, by reason of some measures taken by Emperor Louis the Pious during the first years of his reign, monasteries had been obliged periodically to renew all their *praecepta* since the beginning of the ninth century.[4] Clerics, therefore, knew all too well that losing control of their documentary patrimony might seriously affect their rights and relations with their benefactors. It is not surprising that the members of ecclesiastical communities often requested to be allowed to defend their claims by oath in the event that their written proofs were lost or destroyed.[5] It is important to stress that this clause did not relate exclusively to the archives of churches, but had a broader application and is also found in documents possessed by lay people. This is for example confirmed by a charter issued in 969 by Otto I in favour of his *fidelis* Ingo in relation to his patrimony *infra Regnum Italicum*, and by another, conceded in 1038 by

[3] See, respectively, *Chronica Monasterii Casinensis*, ed. by Hartmut Hoffman, III, 34: 'Qualiter carte monasterii sancti Benedicti de Salerno nobis pertinentes dudum reperte, abscondite atque incise pro nostra invidentia fuerint'; Alessandro, *Chronicorum liber monasterii Sancti Bartholomei de Carpineto*, ed. by Berardo Pio, p. 41; and Berardi, John, *Chronicon Casauriense*, ed. by Ludovico A. Muratori.

[4] Cf. Thegan of Trier, *Gesta Hludowici imperatoris*, ed. by Tremp, c. 10, p. 192: 'Eodem anno (a. 814) iussit supradictus princeps renovare omnia praecepta, que sub temporibus patrum suorum gesta erant ecclesiis Dei, et ipsa manu propria ea cum subscriptione roboravit'.

[5] See, for example, a charter issued by Otto III in 997 for the abbey of Nonantola: *Die Urkunden Otto des III*, ed. by Sickel, no. 237, p. 655; one issued by Conrad II in 1026 for the monastery of Leno: no. 57, p. 68; or another by Conrad II in the same year, to the monastery of S. Dionigi near Milan: no. 58, p. 69.

Conrad II to the *comes* of Treviso, Raimbaldus.[6] On the other hand, at least in the Lombard principality of Benevento, by the mid-ninth century this practice had already become a specific norm, as a law issued in 866 by Adelchis II indicates. In this legislation the prince established the procedures that had to be followed in order to certify the status of a property when the relevant documents (*munimina*) had been destroyed.[7]

The loss or destruction of documents often preceded the concession of a sovereign charter granting or confirming rights and properties.[8] In this case too, the measures taken to protect prerogatives whose validity could not be established due to the destruction of written evidence seem to have applied equally to lay patrimonies. This is what can be inferred from some examples included in the so-called *formulae*, whose function and reliability are, it has to be said, anything but clear.[9]

As I noted earlier, however, the destruction of documents was an event not at all unusual for monastic communities. More than once the monks of the abbey of Farfa found themselves dealing in court with the fact that documents had either disappeared, been stolen, or been destroyed, and this allows us to get an idea of their attitude when faced with such an eventuality. The case of Pando that I mentioned earlier provides a specific but not unique example. The *notitiae* of the *placita* record only a part of the dynamics, of the practices, and of the social strategies employed inside and outside a tribunal, and it is therefore difficult to understand exactly what used to go on in the course of a dispute such as

[6] *Die Urkunden Konrad I., Heinrich I. und Otto I.*, ed. by Sickel, no. 371, p. 510; *Die Urkunden Konrads II.*, ed. by Bresslau, no. 277, p. 383.

[7] *Leges Langobardorum*, ed. by Beyerle, p. 215. See also *Le leggi dei Longobardi*, ed. by Azzara and Gasparri, p. 276–77.

[8] Among the numerous cases of intervention by a king or an emperor to remedy the loss of documents due to fire or flood, intentional or through negligence, see for example a charter issued in 967 by Otto II for the monastery of Subiaco *Die Urkunden Otto des II*, ed. by Sickel, no. 336, p. 451. Needless to say, these could be opportunities for a community to take advantage of the lack of written evidence in order to secure groundless claims: a parallel for England is analysed in Clanchy, *From Memory to Written Record*, pp. 148–49.

[9] Cf. *Formulae Merowingici et Karolini Aevi*, ed. by Zeumer, in particular: 'Additamenta', in *Formulae Turonenses*, ed. by Zeumer, c. 7; *Cartae Senonicae*, ed. by Zeumer, cc. 38, 45; *Formulae Imperiales e curia Ludovici Pii*, ed. by Zeumer, c. 17; *Marculfi Formulae*, ed. by Zeumer, c. 33. On these collections see Rio, *Legal Practice and the Written Word*. Brown, 'When Documents are Destroyed or Lost', offers a recent analysis of these *formulae* in the perspective of a reconstruction of the lay practices of use and preservations of documents in Gaul and Bavaria.

the one opposing Pando to Farfa.[10] It is nevertheless interesting to note the fact that in this case the monastery cut for itself the role of main guarantor of what can be called the documentary memory of the extended case. It was, certainly, a self-interested guarantor; after all even Pando admitted, if only obliquely, that the bishop had already decided in Farfa's favour. Nevertheless it was an able one, because capable of drawing the judges' attention to the different phases of the dispute, each marked by its own written output.

Monastic propaganda could go as far as to claim that the ability to exercise control over documentary process was a sign that divine protection guarded the community against its enemies' attempts at usurpation. In this case the intentional destruction of documents that attested a monastery's legitimate claims could be seen as an insult, deserving to be punished in a sensational way. Therefore, according to an oddly laid out *memoratorium* transmitted by Gregory of Catino, in 1066 (or 1077) a certain Teuto, an inhabitant of the *castellum* of Bibaro went to Berardus, abbot of Farfa, and obtained from him the document with which he and his kin had donated Bibaro to the monastery. Once back in Bibaro, Teuto summoned his community and, in an act of public defiance of monastic authority, tore the charter into pieces and burnt it. The fire went out of control, however, and, 'by the judgement of God', the whole of Bibaro was razed to the ground.[11] It is clear that, in this case, the community's narrative of the events, while stressing the group dynamics, set the malicious destruction of a document in a framework of actions — the illicit (and preposterous) request to have the document back, the rash (and unbecoming) submissiveness demonstrated by the abbot, the sacrilegious (and ritually savage) rebellion against the monastery's full rights — whose grand finale confirmed the community's absolute supremacy over the neighbouring society. And this supremacy was claimed to be guaranteed also by the fact that the community kept, and guarded, documents.[12]

[10] Wickham, 'Justice in the Kingdom of Italy', pp. 185–86. See also Wickham, *Legge, pratiche e conflitti*.

[11] *Il regesto di Farfa*, ed. by Giorgi and Balzani, v (1914), no. 1299: '[...] Qua accepta, idem Teuto congregavit parentes suos, et ostendit eos cartam ipsam. Qui valde gavisi, accenderunt ignem copiosum, et accipientes singuli partes de ipsa cartula scindentesque eas, laetanter proicerunt in ipsum ignem. Ignis vero accumulatus, iudicio Dei concremavit ispum omnem castellum.'

[12] For a further discussion of this aspect of documentary practice see Sennis, 'Lay Documents and Lay Archives in Central and Southern Italy'.

Legal Destructions

So far we have seen situations in which the destruction of documents was in itself a controversial and, we might add, illegal dynamic. Documents could also be, and were, destroyed in a completely legal context, however, due to a decision taken by the public authority.

In an unspecified month of the year 580, the two sons of Chilperic, king of the Franks, fell ill. According to Gregory of Tours their mother, Queen Fredegund, interpreted this as a sign that the new taxes that king was imposing were much too heavy. She therefore went to Chilperic and proposed that he do something about it. The king did not seem very interested in taking any action and consequently, in order to save their children, Fredegund herself ordered that all the new tax registers be gathered in front of her and burnt. Fredegund eventually managed to convince Chilperic to do the same thing, and the king too had some new tax registers burnt, promising to have a lighter hand with regard to taxation in future and to return to the customs of his predecessors. Although the action performed by Fredegund and Chilperic seems not to have been enough, as the children died anyway, it is clear that in this case the destruction of documents was a programmatic act.[13] The documents destroyed by Fredegund and Chilperic were not worthless, and theirs can be considered a conscious act of munificence, if somewhat pressed by circumstances.

The destruction of documents by a monarch, as an act of munificence, had some precedents in the Roman world as demonstrated, for example, by the burning of the old records of those who were indebted to the State ordered by Emperor Augustus, or by the cancellation of long-standing debts to the Aerarium granted by Emperors Vespasian, Hadrian, and Marcus Aurelius.[14] It could also be one of a series of actions performed to signify a change in policy, a break with the past, as in the case of Louis the Pious who, very soon after his accession to the throne in 814 ordered the destruction of documents issued during Charlemagne's reign by 'iniqui ministri, comites et locopositi'.[15] However partially effective this destruction might have been, these acts are often described in a way that shows them as characterized by a fairly articulated

[13] Gregory of Tours, *Libri Historiarum x*, ed. by Krusch and Levison, v. 34, vi. 23, and vi. 34–35. On the episode, see Wood, *The Merovingian Kingdoms*, pp. 62–63. On Gregory's rather resentful portrait of Fredegund, see Goffart, 'Foreigners in the *Histories* of Gregory of Tours', pp. 275–79.

[14] Moreau, 'La mémoire fragile', pp. 141–43.

[15] Thegan of Trier, *Gesta Hludowici imperatoris*, ed. by Tremp, c. 13, p. 194.

public dimension. The Roman emperors ordered all the documents related to the debt that they were waiving to be burned in the Forum, and Fredegund also seems to have acted in a public context: she and the king had the registers gathered in front of them. It is also likely that, in the framework of the Carolingian rituals and forms of communication analysed by Janet Nelson, Louis the Pious's order must also have been carried out with some sort of public performance.[16]

In some cases this practice was given an appropriate legal dimension by some *ad hoc* prescriptions, and in Carolingian Italy the law required the destruction of documents which were considered worthless because they had expired or were deemed to be unacceptable for whatever reason. This happened in February 814, for example, when, at the end of a *placitum* held in Spoleto during which Scaptolfus the abbot of Farfa had managed to get his community's rights recognized, all the documents predating the dispute were destroyed.[17] This was also the case, in general, for the *cartulae obligationis* related to men who had subsequently been granted free status, or for goods sold at too high or too low a price due to necessity, or for donations whose value had been overestimated.[18] In the mid-eleventh century the *Cartularium Langobardicum* required, at the end of a dispute, the destruction of those documents that had been rejected as forgeries, as content had become outdated. Finally, if someone had sold a piece of land to a creditor, as warranty, and had subsequently repaid the debt, the *charta venditionis* had to be destroyed (*capsata et taliata*).[19] This practice became more and more common from the second half of the eleventh century, when the documentary process of private transactions started to include temporary acts that remained valid for a very short period of time.[20]

Destruction was often a fate reserved for documents that had been declared to be forged. In August 912, in a *placitum* held at Corteleona by Berengar, the former Empress Ageltrude demanded, and obtained, that a charter recording her alleged donation of all her properties was destroyed.[21] However, ascertain-

[16] Nelson, *Politics and Ritual in Early Medieval Europe*.

[17] *I Placiti del "Regnum Italiae"*, ed. by Manaresi, I, no. 28, p. 89: '[...] et munimina omnia obligagionis et convenientie, quas inter se Scaptolfus et Rumuald seu et Benedictus abbas facta habuerant, statim presentibus nobis sua voluntate cassaverunt [...]'.

[18] *Karoli Magni notitia italica*, ed. by Boretius, no. 88, cc. 1–3.

[19] *Cartularium Langobardicum*, ed. by Boretius, c. 9, p. 597.

[20] Bougard, *La justice dans le royaume d'Italie*, pp. 71 n. 20, 319–29.

[21] *I Placiti del "Regnum Italiae"*, ed. by Manaresi, I, no. 124, p. 465: '[...] ut cartula ipsa in se non debuisset abere vigorem, hanc cartula idem domni regis capsandum dedit, sicuti et in

ing and declaring that a document was a forgery might not be in itself sufficient to sentence it to destruction. In May 1013, in the course of a dispute in Verona presided by Adalgerius, duke of the March of Carinthia, a charter was declared forged but, before it could be destroyed, the winning party had to guarantee under oath the legitimacy of its claims.[22]

This legal destruction had always a rather strong ritual dimension, and could occur in a very solemn context. This happened for example in the northern monastery of Novalesa where Emperor Otto I, granting a request by Abbot Gezo, ordered the charter with which King Lothar had given the abbey away to Arduin, marquis of Turin, to be burnt 'in conspectu omnium Quiritum' and replaced by a new one that ratified Novalesa's freedom. Significantly, in this case the charter seems to have been destroyed not because it had been recognized as being false but, rather, because its content was considered unjust (*nefandum* in the words of the understandably biased anonymous author of the chronicle).[23] Similarly in 968, in the course of a dispute between the central Italian abbey of S. Croce sul Chienti and the bishop of Fermo, two diplomas were presented to Otto I. One, granted by Charlemagne, was in favour of the monastery, the other, granted by Berengar, backed the bishop's claims. Nothing indicates that Berengar's diploma might have been considered a forgery, but it was nevertheless destroyed — this time not by burning, but by breaking the seal and cutting the parchment — because, 'everybody thought it was unjust and against the law for later documents to supersede earlier ones'.[24] A parallel, albeit based on what appears to be more solid legal grounds, decision was taken in 1022 in Capua, in the course of a dispute between a Petrus *comes* and the monastery of S. Salvatore in Gallucanta. On that occasion a document was considered authentic, but it was destroyed because the juridical action (a donation) that it attested was declared invalid according to some laws of the Lombard

presencia idem domni regis capsata fuit'.

[22] *I Placiti del "Regnum Italiae"*, ed. by Manaresi, II (1960), no. 277, pp. 512–13: '[...] ipsa cartula, quod predicti episcopi cum suis advocatores demonstrabant, reproba et falsidica inventa fuit. Et per iuditium eosdem iudices [...] iuditium [...] quod per quadraginta annos ad proprium possessum habemus et sic retulimus iuditium iurando [...]. Ipsi sacramenti facti, predicta cartula incisa fuit'.

[23] *Cronaca di Novalesa*, ed. by Alessio, pp. 282–83. The idea that charters that were unjust (i.e. against the interests of a church) should be destroyed is also found in Bede, *Historiam Ecclesiasticam Gentis Anglorum*, ed. by Charles Plummer, I, pp. 405–23.

[24] *Die Urkunden Konrad I., Heinrich I. und Otto I.*, ed. by Sickel, Otto I no. 367, p. 504: 'omnibus apparuit iniustum et contra legem, ut posteriora scripta priora excedant'.

Kings Rothari and Liutprand.[25] Likewise, in 1011, during a dispute between Farfa and the clerics of the church of S. Eustachio *in platana* in Rome, the abbot and his *advocatus* managed to demonstrate that the matter had already been solved in their favour. In fact, in 998, the Emperor Otto III had already delivered a judgement favourable to Farfa and sentenced the charters exhibited by S. Eustachio to be destroyed. At the same time he had also declared that any other existing document related to the same property and still kept in the archives of S. Eustachio had to be considered void.[26] The two documents that the Roman clerics produced this time to back up their claims, formally genuine but evidently obsolete, were therefore destroyed with a gesture — both parchments were torn with a cross-shaped cut and then handed over to the abbot of Farfa — and publicity — the action was explicitly performed in the sight of all the witnesses — that were certainly intended to enhance the juridical dimension of the act.[27]

Internal Conflicts

Documents could be destroyed or purloined as a result of conflicts within the community itself and, in this case, the act would have relevant symbolic and identity-related implications. Thus, soon after 765, in order to secure the control of the monastery of S. Pietro of Palazzuolo, Monteverdi, a Tuscan cleric seized all the community's documents, probably not yet numerous since the abbey had been founded only eleven years before.[28] The symbolic elements of this behav-

[25] *I Placiti del "Regnum Italiae"*, ed. by Manaresi, II, no. 314 bis, p. 697.

[26] *I Placiti del "Regnum Italiae"*, ed. by Manaresi, II, no. 236, pp. 373–74. An analogous case is the *placitum* with which, in December 999, Otto III gave sentence in favour of Farfa against the monks from the Roman community of Sts Cosma and Damiano *in Mica Aurea* who were making claims over the monastery of S. Maria on the river Mignone (see *I Placiti del "Regnum Italiae"*, ed. by Manaresi, II, no. 254, p. 439 for the destruction of the documents produced in court, and p. 441 for the *damnatio* of any other existing charter). Another revealing case of destruction of documents declared void occurred in 1152 during a controversy between the Calabrian monastery of S. Maria della Matina and a certain Nicola. See *Carte latine di abbazie calabresi provenienti dall'archivio Aldobrandini*, ed. by Pratesi, no. 16 (1152, luglio), p. 46: '[...] et quesiverat illas cartas vacuas in omnibus fore et eas delere'.

[27] *Il regesto di Farfa*, ed. by Giorgi and Balzani, no. 616, IV, p. 15: '[...] et eas per medium abscidit similitudine crucis, et iterum in manu iam dicti abbatis reliquit ac dimisit in conspectu omnium ibidem residentium, et circumstantium'.

[28] *Acta Sanctorum*, Februarii, II, ed. by Jean Bolland and Godefridus Henschenius (1658), pp. 842–46: '[Gimfridus] Monasterio egressus secum homines, caballos, chartas monasterii

iour are further clarified by the fact that the theft or intentional destruction of documents by members of the community were considered sacrilegious acts, whose gravity was comparable to the stealing of relics and of sacred objects. This was true even if the culprit had not been materially involved in the act, as in the case of Hincmar of Reims who, in 871, was accused of commissioning the theft of liturgical objects, relics, and the 'praecepta et strumenta chartarum de rebus ipsius ecclesie'.[29] Therefore, for example, it cannot have been simply the fear of a pecuniary fine — which was in any case inflicted not on him but on his accomplice — that around 780 kept Deusdona, cleric of the Tuscan church of S. Angelo *ad Sgragium*, from destroying a charter that prevented him from nominating a certain Alpertus as his successor in the care of the church. According to the accusation made in October 786 by one Deusdedit, that *cartula* proved that at least twelve years before — *in tempore Desiderii regis* (756–74) — Deusdona had donated S. Angelo to him. Deusdedit claimed that Deusdona had ordered Alpertus to steal and destroy the charter. The narrative of the events is quite confused, but apparently Alpertus, instead of getting rid of that inconvenient written act, had brought it back to Deusdona. In front of the judges, Deusdona denied having instigated the theft of the charter but admitted that, while Alpertus and himself were passing the document to each other evidently undecided what to do with it, Albertus had given it to a pilgrim from the British Isles (*Britto* in the source) who happened to be there. Possibly because the pilgrim was less involved with the symbolic issues of this documentary process, it did not take a lot of persuading to get him to throw the charter into the fire.[30]

Strategic Destructions

Documents could indeed be destroyed within a monastery, not as the result of internal conflicts but, rather, in order to support the community's strategies of supremacy. The most famous case is that of the monastery of Saint-Denis near Paris where, in the eleventh century, the Merovingian papyri still preserved in

abstulit'.

[29] Hincmar, *Libellus expostulationis*, ed. by Wilfried Hartmann, Verhandlungsprotokoll, p. 508.

[30] *I Placiti del "Regnum Italiae"*, ed. by Manaresi, I, no. 7, p. 19. On this episode see also Wickham, 'Land Disputes and their Social Framework in Lombard-Carolingian Italy', pp. 242–43.

the abbey's archives were stuck by their *recto*, by twos or to pieces of parchment, in order to conceal the original writing and create a new, clean, sheet. It was on these original, but totally altered, papyri that a new series of forged diplomas, responding more to the needs of the time, was written.[31] A monastic community could indeed be accused of hiding or, worse, destroying documents which would certify the rights of some of its opponents. This is what happened for example in 1067 when Theophilact, abbot of the monastery of S. Nicola in Gallucanta near Salerno, accused a certain Constantinus and his mother Porpora of hiding and destroying some of the monastery's documents. Constantinus and Porpora were ready to hurl back the accusation at the abbot.[32]

As revealing as these examples certainly are, it is best to keep in mind that the destruction of documents originally kept in a monastery's archives was not necessarily done with fraudulent purposes. In the Tuscan monastery of S. Salvatore al Monte Amiata, for example, leases older than twenty-nine years, and therefore no longer valid, were erased and reused to make a codex which contained a theological treatise.[33] We might add that this intentional, but not fraudulent, elimination of documents did not necessarily involve expired documents, as in the case of the monastery on the Monte Amiata. When, at the end of the eleventh century, Gregory of Catino, who was engaged in the massive task of copying the documents of the abbey of Farfa, realised that a dramatic shortage of parchment was putting his work at risk, he simply decided to recycle documents from the archive. Only very few of the documents he erased in order to have enough parchment to complete the *Liber Largitorius* (the collection of leases granted by the abbey) and the *Chronicon* were then copied into one of the two. The majority of them were simply sacrificed to allow him to continue his work. These palimpsests (or *chartae rescriptae*) are extremely difficult to read. When it is possible to understand something, it seems that these documents were not in any way different from those included in the collection.[34] In other words, there does not seem to have been any strategic intention; this destruction did not conceal any deliberate act of construction. Rather, this seems to be a case of what Arnold Esch has called *Überlieferung Zufall* (accidental transmission).[35]

[31] Spiegel, *The Chronicle Tradition of Saint-Denis*; Geary, *Phantoms of Remembrance*.

[32] *Codex diplomaticus cavensis: 1065–67*, ed. by Leone and Vitolo, no. 36.

[33] Kurze, 'Lo storico e i fondi diplomatici medievali', pp. 9–10.

[34] Supino Martini, '"Manuum mearum laborem"'.

[35] Esch, 'Chance et hasard de transmission'.

It is true that all these sacrificed documents were what we might call 'light documents', that is to say they were not diplomas or privileges, elegant and solemn documents of great importance for the community and usually kept separate from the more administrative ones.[36] An example of different documents kept in different parts of the monastery can be deduced from a *charta traditionis* belonging to the monastery of S. Nicola in Gallucanta. The document, dated to the year 1058, lists the patrimony of the community, and shows that the solemn documents were probably kept separate from the ones referring to current affairs. A 'preceptum de casa ipsius ecclesie in Salernum posita' is in fact listed together with some sacred books, while the documents related to the management of the lands of the monastery are listed after an ox, a donkey, seven sheep, and fourteen goats.[37]

Nevertheless, the case of the Monte Amiata documents reveals a free-and-easy attitude towards documents and their content, which could be, and were, sacrificed in order to make way for other documents, other testimonies. On the other hand, the practice of destroying documents in order to be able to reuse them had a certain tradition. According to a fragment of Ulpian, whose interpretation is not completely clear, it is in fact possible that since the third century AD Roman law had recognized the validity of the so-called *chartae delecticiae*, and it was not until the mid-thirteenth century that notaries were explicitly prohibited from reusing old parchments, while the first known oaths on that matter are not earlier than the thirteenth century.[38] Moreover, in the eleventh century a handicraft of the regeneration of used parchment existed in some areas of Southern Italy and it resulted in a trade of the so-called *chartae rescribendae*. This trade was probably vital enough to induce the majority of the lay people who possessed documents to sell them with a view to some profit, admittedly difficult for us to quantify.[39] In any case, what is certain is

[36] For the distinction between 'light' and 'heavy' documents see Cammarosano, *Italia medievale*, p. 65.

[37] See Cherubini, *Le pergamene di S. Nicola di Gallucanta*, no. 76, pp. 194–95; see also nos 77, 88, 126.

[38] See, respectively, Ulpian, fragm. D. 37, 11, 4, in *Corpus Iuris Civilis*, ed. by Krüger and Mommsen, I, p. 604: 'Chartae appellatio et ad novam chartam refertur et ad deleticiam: proinde et si in opistographo quis testatus sit, hinc peti potest bonorum possessio'; *Historia Diplomatica Friderici Secundi*, ed. by Huillard-Breholles, IV, p. 57: '[...] Jubemus autem quod in carta rasa vel bombicina non scribat publicum instrumentum'; Fumagalli, *Delle istituzioni diplomatiche*, I, pp. 49–51. See also Giry, *Manuel de diplomatique*, p. 497.

[39] Pratesi, 'Chartae rescriptae del secolo XI provenienti da Ariano Irpino'.

that at least in the High Middle Ages, the use of ways to erase charters (*radere chartas*) was cultivated in the monasteries, and was considered to be an art, as a recipe transmitted in a manuscript produced in the *scriptorium* of the Bavarian monastery of Tegernsee informs us.[40] In Italy too, at least in the mid-thirteenth century (although there is no reason to believe that it is not true also for an earlier period), the erasing of parchment was common practice in the monasteries, sometimes in order to condemn somebody's religious views, as shown by Salimbene in referring to the heretic Gherardino of Borgo di S. Donino.[41]

We know that, just as today, in the early Middle Ages documents were indeed important and to destroy or steal them was not something that could be done light-heartedly.[42] The destruction of documents can indeed occur for many reasons. Sometimes it happens by chance, sometimes it is the result of irrational fury, sometimes its purpose is effectively to cover (and make) something up. However, in the early Middle Ages just as today, destroying a document might have nothing to do with hiding reality. At times, destroying a document was — it had to be — a public act and, as such, it gained all its strength from the fact that it was manifest. It was not a surreptitious, and hidden, deletion. Rather it was a blatant, and memorable, addendum. In other words, it could be an element, quite a central one, of an articulated political discourse. It has to be said that it is difficult to decide whether the cases that I have discussed are typical, and can be considered as paradigmatic examples of more general attitudes, or if they represent loud exceptions, interesting but isolated episodes that have survived in the narrative memory precisely because they were perceived as being anomalous and, as such, worth noticing. If being an historian means, among other things, to get used to working with evidence that is at best a fragmented

[40] München, Bayerische Staatsbibl., MS Clm 18628, c. 105 (sec. XI): 'Quicumque in semel scripto pergameno necessitate cogente iterato scribere velit, accipiat lac inponatque pergamenum per unus noctis spacium. Quod postquam inde sustulerit, farre aspersum, ne ubi siccari incipit, in rugas contrahatur, sub pressura castiget quoad exsiccetur. Quod ubi fecerit, pumice cretaque expolitum priore albedinis suae nitorem recipiet.' Cf. Wattenbach, *Das Schriftwesen im Mittelalter*, p. 303. On the *scriptorium* of Tegernsee see Eder, 'Die Schule des Klosters Tegernsee im frühen Mittelalter im Spiegel der Tegernseer Handschriften'.

[41] Salimbene di Adam, *Cronica*, ed. by Holder-Egger, p. 457. On the destruction of books in order to suppress somebody's opinion see, for Antiquity, Forbes, 'Books for the Burning'; for late Antiquity (destruction of Manichean texts), *Le Liber pontificalis*, ed. by Duchesne, Lives of Gelasius, Symmachus, Ormisda; in the modern period, Prosperi, *L'eresia del Libro Grande*.

[42] Wickham, 'Land Disputes and their Social Framework in Lombard-Carolingian Italy', p. 243.

reflection of past social processes, this is more than ever true when those scattered presences are used to discuss what, ultimately, is the story of an absence.

On this issue, however, our sources do help us to a certain extent. On the one hand, the protagonists of those events clearly considered the act of destroying documents as part of their stock of social gestures. On the other, those who registered those events did so without showing too much interest in the destruction *per se* but largely concentrated on the wider context in which that destruction took place. Absorbed as they were by their own specific social games, which could coincide but also diverge, protagonists and narrators knew that destroying documents was an option at hand. It was not the only option they had at their disposal, but it was a meaningful one and, often, a message. We have seen that destroying documents could be an element of the language of politics; it could be a way to exercise munificence in the wake of political conflict; it could be a way to express political opposition; it could be a sudden move in the competition for power. In a sense, therefore, destroying them constituted one of the many ways in which people could use documents, and a very powerful one.

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Looking for Charters that Aren't There: Lost Anglo-Saxon Charters and Archival Footprints

Charles Insley

Introduction

Those scholars who work on pre-Conquest English charter material sometimes gaze enviously at the diplomatic riches available across the English Channel. While no-one would or could pretend that the archives of early medieval Frankish, Lombard, or Ottonian institutions are remotely complete, or have not suffered major traumas over their histories, the Anglo-Saxon diplomatist can only look at the treasures contained in the archive of St-Gall, for instance, and ponder the wisdom of another career.[1] What often attracts consideration

[1] The St-Gall material was first published in the seven-volume edition, *Urkundenbuch der Abtei Sankt Gallen*, ed. by Wartmann and others; subsequently the pre-800 material preserved there in the original took up the substance of two volumes of the *Chartae Latinae Antiquiores*: I: *Switzerland I: Basle-St. Gall*, ed. by Albert Bruckner and Robert Marichal (1954) and II: *Switzerland II: St. Gall-Zurich*, ed. by Albert Bruckner and Robert Marichal, II (1956), and the ninth-century series has now become six more: C: *Switzerland III: Sankt Gallen 1*, ed. by Guglielmo Cavallo and Giovanna Nicolaj (2006); CI: *Switzerland IV: Sankt Gallen 2*, ed. by Guglielmo Cavallo and Giovanna Nicolaj (2008); CII: *Switzerland V: Sankt Gallen 3*, ed. by Guglielmo Cavallo and Giovanna Nicolaj (2009); CIII: *Switzerland VI: Sankt Gallen 4*, ed. by Guglielmo Cavallo and Giovanna Nicolaj (2010); CIV: *Switzerland VII: Sankt Gallen 5*, ed. by Guglielmo Cavallo and Giovanna Nicolaj (2011); and CV: *Switzerland VIII: Sankt Gallen 6*, ed. by Guglielmo Cavallo and Giovanna Nicolaj (2012). In total the published *Chartae Latinae Antiquiores* volumes contain 419 charters, all preserved as single sheets, and Wartmann's edition preserves rather more: there are 839 from before 920 alone. By contrast, at the last count, the

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is not what survives but, inevitably perhaps, what has been lost. To misquote a recent American Secretary of State for Defence: 'there are the documents we know about. There are the documents we know we don't know about. Then there are the documents we don't know we don't know about'.

The function of the following brief discussion is to raise some of the issues, the problems and possibilities of navigating a way through the documents we have towards those we do not, the documents we know might have existed and those about which we have no idea. This discussion will begin with some observations about the way historians have approached the issue of Anglo-Saxon archives, and some of the assumptions that underpin that treatment, before moving to a more detailed examination of a particular archive, that of Exeter cathedral, where it is possible to identify lost documents and explore some of the reasons for their loss.

First, what might appear to be some rather obvious observations. As elsewhere in northern Europe, the vast majority of surviving Anglo-Saxon charter material survives in an ecclesiastical context, as part of ecclesiastical archives, some of which are now dispersed, some not. There is, for instance, only one original single-sheet charter from the Anglo-Saxon period preserved in The National Archives at Kew.[2] The other obvious, but important point to make about Anglo-Saxon archives is that much of what survives is royal in origin, either in the form of solemn diplomas or writs. Just under 1200 of the 1600 complete Anglo-Saxon charters identified by Peter Sawyer forty years ago are documents issued in the name of a king; of these, 1061 are Latin royal diplomas.[3] Although there have been some significant discoveries of Anglo-Saxon charters since Sawyer's ground-breaking handlist was published in 1968, this picture has not changed.[4] Beyond the royal diplomas and writs, what survives is an eclectic array of documentation: grants by laity, wills, leases, memoranda, detached boundary clauses. A significant proportion of this documentation is in the vernacular. These more fragmentary survivals raise the central question of what has been lost from these archives, and, as importantly, why?

known corpus of *all* Anglo-Saxon charters from *all* preservation contexts (as registered in *The Electronic Sawyer*, ed. by Kelly and Rushforth), numbers 1937 documents total, of which 62 are variant versions only.

[2] Kew, TNA, E 30/26/11 (S 795).

[3] Sawyer, *Anglo-Saxon Charters*.

[4] See now *The Electronic Sawyer*, ed. by Kelly and Rushforth, whose numeration is consistent with Sawyer, *Anglo-Saxon Charters*.

The first assumption to work with, then, is that Anglo-Saxon archives as they were on the eve of 1066 probably contained much more material and in much greater variety than the diploma-dominated collections that survive today. One can point to the Worcester archive, where the survival of two eleventh-century cartularies and the partial survival of a third, along with their rich collection of leases and vernacular documentation, demonstrate the range and depth of material that other archives have almost certainly since lost, unless we are to assume that Worcester was unique.[5] That seems fair enough; something that should be considered in more detail, though, is why what survives survived? Until relatively recently, the key assumption underpinning approaches to the survival of documentation was utility: that is, that what survives did so because it had long term utility, such as providing evidence of title to property, or of the royally sanctioned nature of certain rights, privileges, and jurisdictions. The concomitant is also true, that what was lost was lost because it was either ephemeral in character, or had ceased to have a value or use. One might point at this stage to the horribly inept attempts made by many later medieval copyists to accurately copy Anglo-Saxon texts, especially vernacular ones, as evidence of the declining intelligibility and hence value of such texts, or the bald and rather depressing (for the diplomatist) comment written by a thirteenth-century Christ Church Canterbury archivist on some of the cathedral priory's Anglo-Saxon diplomas — 'inutilis'.[6]

One would not wish to argue for a moment that utility was not an important, indeed, the major factor in the survival of much of the Anglo-Saxon documentation that exists today. But it was not the only one. Attention needs to focus more broadly on patterns of archival survival in terms of agency — that patterns of survival were not just a function of the inevitable erosion and loss of material over time, but that human action and decisions were integral parts of the processes of preservation and loss.[7] Historians are comfortable with the notion of archival memory, but the obverse of this — amnesia — is much more challenging. It seems an anathema to the modern scholarly or archival mindset that documents could be deliberately 'lost' or suppressed, but it is imperative

[5] The cartularies are edited together as Hemingus, *Chartularium Ecclesiae Wigorniensis*, ed. by Hearne, on which see Ker, 'Hemming's Cartulary', and Tinti, 'From Episcopal Conception to Monastic Compilation'. On the older cartulary, see Baxter, 'Archbishop Wulfstan and the Administration of God's Property'.

[6] 'Useless', as on e.g. the so-called Fonthill Letter, S 1445, printed, translated, and discussed in Keynes, 'The Fonthill Letter'.

[7] Cf. Antonio Sennis, this volume.

that we do consider the processes of forgetting, suppressing, or overwriting. Instructive here, I think, are Patrick Geary's comments on archival memory in his book *Phantoms of Remembrance*, not least because the period that Geary saw as important and influential in the ways in which the early medieval past was remembered and transmitted — the eleventh century — was also the period in which a number of the charters to be discussed here were copied or produced.[8] In his chapter three, Geary launches an attack on the way in which manuscript collections of charters — cartularies, *Traditionsbücher*, notice lists and the like — had been approached by scholars right up until the 1960s: in his words:

> Because of such assumptions about the unproblematic nature of these collections, the history of cartularies and similar collections has yet to be written. And yet such a history is badly needed. Neither the existence nor the purpose of such collections is self-explanatory.[9]

Those words were written in 1994 and, despite much scholarship since then, such a history is still awaited. Some of the more recent British Academy/Royal Historical Society Anglo-Saxon Charters volumes, in particular Susan Kelly's for Abingdon and Malmesbury and Julia Crick's for St Albans have looked at these processes of archival remembering, misremembering, and forgetting.[10] What follows is an attempt to explore these same questions — preservation and loss; why we have what we have — in relation to another Anglo-Saxon archive, that of Exeter cathedral.

The Exeter Material

The surviving Anglo-Saxon material in the Exeter archive dates from the tenth and eleventh centuries, but it is the eleventh-century material, in particular a group of documents copied or created during the episcopate of Bishop Leofric, 1046–72, that are the focus of this discussion into questions of preservation and loss, and what might once have been. There is, of course, an obvious problem in using any one archive or collection of documents to look at more general issues — it is not clear how far Exeter can be regarded as 'typical' of Anglo-Saxon ecclesiastical archives, and neither, indeed, is it clear what a 'typical archive' might

[8] Geary, *Phantoms of Remembrance*, pp. 81–114.

[9] Geary, *Phantoms of Remembrance*, p. 83.

[10] *Charters of Abingdon Abbey*, ed. by Kelly; *Charters of Malmesbury Abbey*, ed. by Kelly; *Charters of St Albans*, ed. by Crick.

have been. What can be said about the surviving pre-Conquest charters that seem to have been at Exeter in the eleventh century is that something like half of them — sixteen out of thirty — are single-sheet copies. The remainder can be regarded, more or less, as single-sheet originals. Strikingly, the Exeter archive contains only two Anglo-Saxon charters that are only attested by post-1100 copies.[11]

The distinction between original and copy in an Anglo-Saxon diplomatic context is a difficult and rather vague one, since Anglo-Saxon diplomas lacked any obvious external means of authentication; no seals, no notarial superscriptions or other authentication protocols. This makes the distinction between original and copy essentially one of palaeographical dating, an inexact science at the best of times.[12] In the Exeter archive, the sixteen single-sheet 'copies' range from documents that are likely to be authentic — but not contemporary with the date of the grant — to documents that seem to be complete fabrications with little relationship to genuine charters.[13] What is clear from the surviving record is that during Leofric's episcopate, the Exeter archive underwent considerable shaping or reshaping and it is equally clear that some of the cathedral church's documentation was lost, some of it accidentally over time, but some deliberately.[14]

There are several groups of charters within the Exeter archive that highlight these issues of preservation and loss; that hint at now lost documentation, or where the act of copying had obliterated other documentation. These groups are identified for the purposes of this discussion as follows:

1. The 'Æthelstan Forgeries'
2. S 433 and the lost 'Bampton' charter
3. Lost memoranda (S 953, 795)
4. Strays from other archives.

The 'Æthelstan forgeries' are perhaps the most interesting group, since their existence serves to question many assumptions about why charters were copied, rewritten, and forged. The material consists of a group of five charters copied at some point between 1050–72 (but probably in the 1060s), and they are, all

[11] S 450, S 954.

[12] See generally Chaplais, 'Some Early Anglo-Saxon Diplomas on Single Sheets', and specifically to Exeter, Chaplais, 'The Authenticity of the Royal Anglo-Saxon Diplomas of Exeter'.

[13] S 255, 386–89, 405, 421, 433, 669, 755, 770, 832, 951, 953, 1296, and 1451a.

[14] This paper draws on work done in the preparation of *The Charters of Crediton and Exeter*, ed. by Insley.

told, a most curious group![15] All are dated 670 and purport to be gifts to the monastery of Exeter by King Æthelstan (924–39) of a series of estates in south Devon in the valley of the River Exe. Diplomatically they are a complete nonsense; Æthelstan's reign saw the production of some of the most sophisticated and literary Anglo-Saxon solemn diplomas, but this small collection of charters is anything but sophisticated. The formulation is extremely basic and none of it is derived from genuine charters of Æthelstan: indeed, there are no real diplomatic parallels elsewhere in the corpus of surviving Anglo-Saxon charters. The witness lists are a mixture of individuals who appear in charters ranging in date from the 890s through to the 950s. These charters, therefore, have been dismissed almost universally as some of the worst examples of the Anglo-Saxon charter-forger's art, with no pretensions at all to reproducing the appearance, language, or orthography of an original.[16] In all senses, then, the charters have been and still are seen as deeply implausible documents.

This, however, rather misses what may have been the point of these charters. The assumptions that underlie their condemnation by scholars are largely based around utility: they are clearly defective from a diplomatic and palaeographical point of view and therefore — allegedly — are the result of incompetence and ignorance. It is clear from the surviving Anglo-Saxon diplomatic corpus that Anglo-Saxon *scriptoria*, including ones in the south-west could, when necessary, execute very skilful 'copies' and therefore the Exeter charters are regarded as essentially rubbish.[17] Even H. P. R. Finberg, who was prepared to give medieval monastic forgers more rope than many historians since, regarded these charters as 'clumsy reconstructions of lost originals'.[18] This is not the best way to explore these charters, however, since it decontextualizes them, and in their case context is everything. They should be judged not against other Anglo-Saxon 'forgeries', but in the context of Leofric's episcopate and the other manuscripts copied and annotated at Exeter under the bishop's aegis, in particular the entries made in the opening folios of one of the treasures of Exeter cathedral's medieval library, the Leofric Missal (Oxford, Bodl. Libr., MS Bodl. 579)

[15] S 386–89, 433.

[16] For example, Finberg, *The Early Charters of Devon and Cornwall*, nos 21–25; Chaplais, 'The Authenticity of the Royal Anglo-Saxon Diplomas of Exeter', pp. 1–7; Barlow, *Leofric of Exeter*, p. 12.

[17] For example, see S 405, a high-quality imitative forgery, based on an original from between 928 and 932.

[18] Finberg, *The Early Charters of Devon and Cornwall*, no. 23.

and a relic list that is also preserved in Oxford, Bodl. Libr., MS Auct. D 2.16.[19] It then becomes clear that Leofric was going to considerable lengths to fabricate a suitably antique history for his new see (which had only been created in 1050 from a union of the two bishoprics of Crediton and St Germans and the monastery of Exeter)[20] and sought to fuse the possible seventh-century origins of Exeter, with its Boniface connections, with the role of Æthelstan as a major benefactor of the institution during the tenth century. In effect, the charters cast Æthelstan as Exeter's founder, a role explicitly ascribed to him in both the Latin and Old English relic lists.[21] The charters should then be seen as productions not necessarily for use in the legal arena, but part of an attempt to create a new institutional identity for Leofric's see, corralling some of the institution's property under an early, royal foundation date and the name of Æthelstan; in other words, their production and preservation might owe less to their utility as title deeds than their memorializing function as parts of what was a synthetic history of Exeter cathedral.[22]

There is another aspect of these charters worth exploring in terms of archival loss and suppression. The five surviving charters relate to twenty-six estates, listed in the Bodleian relic list, supposedly given by Æthelstan to the monastery, subsequently lost and then recovered by Bishop Leofric.[23] This may be true, and for some of the estates probably was, but there is also evidence that some of the estates noted in the relic list were not necessarily grants *ab initio* to the institution by Æthelstan, but were lay benefactions. Clyst St Mary

[19] Printed respectively in *The Leofric Missal*, ed. by Orchard, II (2001), pp. 8–13, and Conner, *Anglo-Saxon Exeter*, pp. 176–87 (text, translation and discussion). For the activities of Bishop Leofric's scriptorium, see Conner, *Anglo-Saxon Exeter*, pp. 1–21. Much the fullest account of the activities of Leofric's scribes remains Drage, 'Bishop Leofric and the Exeter Cathedral Chapter'.

[20] S 1021 records the removal of the see from Crediton to Exeter and Leofric's enthronement as bishop of the new see.

[21] *The Leofric Missal*, ed. by Orchard, p. 8; Conner, *Anglo-Saxon Exeter*, pp. 176–77.

[22] For a full discussion of these charters see Insley, 'Remembering Communities Past', pp. 49–51.

[23] Both the Leofric Missal and Oxford, Bodl. Libr., MS Auct. D. 2.16 lists state that Athelstan gave twenty-six estates to Exeter (*The Leofric Missal*, ed. by Orchard, p. 8; Conner, *Anglo-Saxon Exeter*, 176–77); the Missal also notes that when Leofric arrived at Exeter, only one estate remained in the minster's possession. The estates are identified in a list of Leofric's benefactions entered into the Exeter Book of Old English poetry (*The Exeter Book of Old English Poetry*, ed. by Chambers, Förster, and Flower, p. 15; *Anglo-Saxon Charters*, ed. by Robertson, pp. 226–28).

and Clyst St George, in the valley of the Exe below Exeter, were listed as having been given by Æthelstan and restored by Leofric.[24] However, surviving at Exeter is a poorly executed-copy of a charter for Clyst that seems to indicate that Clyst was actually granted by King Edgar to a thegn called Eadnoth and then subsequently acquired by Exeter.[25] While the charter might be a forgery or some form of interpolated copy, it was rather unusual for religious houses to forge or interpolate charters that did not make them the beneficiary; this, surely, was the main point of forgery. The possibility with Eadnoth's charter is that it is a copy of a genuine charter produced during an earlier phase of archival organizing or reorganizing. This raises the further possibility that others among the grants ascribed to Æthelstan may have actually been lay benefactions, the charters for which may have been deliberately suppressed as part of Leofric's reshaping of the archive.

The memorializing function of the Athelstan forgeries is underlined by another of the products of Leofric's busy *scriptorium*, S 433/3, one of three charters relating to the small town and port of Topsham, also in the lower Exe valley. S 433/1 and 433/2 both fit the same diplomatic and palaeographical template as the other Æthelstan forgeries; that is, dated 670 and making Æthelstan the grantor. However, S 433/3 is a very different beast, where some attention has been given to reproducing the appearance and the language of a genuine diploma of the 930s or 40s. It is still not very accomplished but a world away from the Æthelstan forgeries, where no effort at all had been expended on pretence. It is tempting, therefore, to see S 433/3 as a document designed to deceive and persuade, probably as part of the cathedral's long-running and ultimately fruitless attempt to recover Topsham from the crown. According to an inventory in the Exeter Book, Topsham had been 'unjustly' seized by Earl Harold and remained in the hands of the crown in 1086.[26]

However, although S 433/3 represents a much more convincing attempt to reproduce the content and appearance of a genuine Æthelstan diploma, only its witness list seems to have been derived from genuine Æthelstan material.

[24] *The Exeter Book of Old English Poetry*, ed. by Chambers, Förster, and Flower, pp. 15; *Anglo-Saxon Charters*, ed. by Robertson, p. 226.

[25] S 669.

[26] *The Exeter Book of Old English Poetry*, ed. by Chambers, Förster, and Flower, p. 15; *Anglo-Saxon Charters*, ed. by Robertson, p. 225; Exeter, Cath. Libr., MS GDB, fol. 101^{r}. By 1153, the canons of Exeter had recovered possession of the church in Topsham (Holtzmann, *Papsturkunden in England*, no. 77, pp. 247–49), but the estate remained in crown hands well into the thirteenth century.

Much of the formulation including the major diplomatic sections — invocation, proem, immunity, and sanction — seem to have been drawn from a charter of 956, in particular from the group of charters identified by Simon Keynes as the fourth group issued that year.[27] The closest diplomatic parallels are with S 591, an Abingdon charter.[28] It is therefore highly significant that there is a strong likelihood that there was a charter issued by Eadwig at Exeter during Leofric's episcopate, even though such a document no longer survives. In 1069 King William I confirmed a number of Bishop Leofric's gifts to the cathedral chapter at Exeter; the surviving charter says that one of the estates, Bampton in Oxfordshire, had originally been granted by King Eadwig.[29] Bampton is only a few miles from Abingdon and, although there can be no certainty about where our lost charter was produced, it seems overwhelmingly likely that Leofric's Bampton charter was produced in the scriptorium at Abingdon, where S 591 had been produced, and possibly at the same time. It is tempting, and not at all unreasonable, to hypothesize, therefore, that a Bampton charter very similar, if not identical to S 591, provided the exemplar on which Leofric's scribes modelled their production of S 433/3. The original charter is now lost, but its footprints can be detected in S 433/3.

There are other aspects of the Exeter archive during the later eleventh century that may shed light on the processes of remembering and forgetting, of copying and suppressing. Twenty-five of the thirty-two surviving documents are royal diplomas, with a handful of other documents: a will, a copy of a lease, a list of sureties, two detached boundary clauses and two memoranda concerning the establishment of the sees of Crediton and St Germans in the tenth century.[30] It is likely that there was much more of this type of documentation in existence and it is possible to detect its footprints in the surviving material. S 795, a grant of land at Copplestone on Dartmoor, to the thegn Ælfhere and dated 974, has copied onto its dorse a notice the bequest of the land at 'Copelanstan' by a man identified as 'Brihtric the priest' to the canons of Crediton. The script of this dorsal notice indicates that it was copied by one

[27] Keynes, *The Diplomas of King Æthelred 'The Unready'*, pp. 59–61, 63–66.

[28] *Charters of Abingdon Abbey*, ed. by Kelly, no. 72.

[29] *Regesta Regum Anglo-Normannorum: The Acta of William I*, ed. by Bates, no 28.

[30] Royal documents S 255, 386–89, 405, 421, 433, 450, 684, 669, 755, 770, 795, 830, 832, 880, 890, 951, 953, 954, 971, 1003, 1021, 1027; non-royal S 1296, 1387, 1451a, 1452, 1492, 1546b, 1547.

of Bishop Leofric's scribes.[31] Unusually, the note was in Latin, not Old English, when one might expect the latter, as was more common for such dorsal notes. The note also contains a sanction in the form of a Latin rhyming couplet, again extremely unusual. The possibility is that both the language and the diplomatic of Brihtric's note are the surviving elements of what might once have been a separate charter or memorandum, recording Brihtric's gift. As may have been the case with Bishop Leofric's Bampton charter and S 433/3, the original text has long since vanished, but it has left behind its footprints in another document, in this case the note on the dorse of S 795.

A similar footprint, or echo, of a lost document can be seen in another of the charters constructed at Exeter in the period 1050–70, S 951, supposedly a confirmation by Cnut of a grant made by Edmund Ironside to Bishop Burhwold of St German's of land at Throwleigh in Devon in exchange for two estates at Landrake and Tinnell, adjoining St German's in Cornwall. The surviving charter is a composite text, with what appears to be a genuine witness list, but a highly interpolated dispositive section, including a clause the sense of which is not unlike that of the *infangenetheof* clauses of later writs, anachronistic had the charter been genuinely issued in 1018. The boundary is followed by a vernacular description of the process by which Bishop Burhwold came by the estates of Landrake and Tinnell. The wording of this description (it begins 'her swutelad on þissum gewrite')[32] implies that this was not simply a narrative composed for this charter, but perhaps a separate memorandum subsequently copied into S 951 when it was produced in the 1060s or 1070s.[33] As may have been the case with the inscription of Brihtric's gift on the dorse of S 795, this narrative in S 951 may be the relic of an earlier vernacular charter, reconfigured later by Leofric's scribes as a spurious royal confirmation diploma.

The final group of charters in the Exeter archive to be considered here raises slightly different issues from the foregoing; what they have in common with the other material is that all were copied during Bishop Leofric's episcopate.[34] On initial inspection, there is nothing particularly exciting or out of the ordinary about these charters: S 755, 770, and 832 are eleventh-century copies of what appear to be wholly acceptable tenth-century charters for a range of lay

[31] Drage, 'Bishop Leofric and the Exeter Cathedral Chapter', p. 174, scribe 10.

[32] 'Here it is set out in this writing.'

[33] See Conner, *Anglo-Saxon Exeter*, p. 174, n. 13, for a discussion of this formula, often used in manumissions.

[34] S 755, 770, 832, 1027.

beneficiaries, while S 1027 may be a contemporary copy of a grant to Bishop Ealdred of Worcester, although it is worth reiterating here the point made earlier in this discussion that terms such as 'authentic', 'contemporary copy' and such like are problematic when discussing Anglo-Saxon diplomas.[35] There are two odd features, however, that attract the attention of the archival detective. The first is that, although these documents were produced at Exeter and, indeed, never seem to have left Exeter, they concern lands that do not seem ever to have been property of the bishop or the dean and chapter at any point in the Middle Ages. Instead, three of the charters relate to lands in the possession of the canons of St Keverne in 1066 and the fourth to property that belonged to Tavistock Abbey. The second odd feature is that the four texts are copied on to two sheets of parchment. Questions abound: what do these charters represent? Why were they produced and why are they in Exeter's archive? They are not alone in this peculiarity, since two other charters in the cathedral archive also relate to lands belonging to Cornish religious houses — S 388 and S 684. Susan Kelly has explored a similar problem with the Abingdon archive, where some of the post-Norman Conquest cartulary material contains charters for lands never in Abingdon's possession.[36] It is possible that monastic houses like Abingdon might have functioned as 'safety deposit' boxes for members of the local landowning elite and that over time these charters became absorbed into the abbey's muniments.[37] Kelly is sceptical about this for Abingdon, arguing, probably rightly, that it would be a brave and trusting layman who would willingly hand over his landbooks to a tenth-century monastery, especially one in Æthelwold's circle.[38] It is certainly not clear at all whether the 'safety deposit' thesis works at Exeter. The stray charters belong to other religious houses, not to laymen, and were all copied at Exeter in the 1060s. In other words, it was not just the case that Exeter was preserving charters belonging to other houses; it was also producing copies of their charters. There is probably no satisfactory solution to this conundrum, beyond looking at the relationship between the bishopric of Exeter and some of the long-established houses within the diocese. It may be that Bishop Leofric was attempting to exert some measure of control over the ancient minsters within the new diocese of Exeter, including over their

[35] See Chaplais, 'Some Early Anglo-Saxon Diplomas on Single Sheets'.

[36] *Charters of Abingdon Abbey*, ed. by Kelly, pp. cxxxvii–cxlix.

[37] Keynes, *The Diplomas of King Æthelred 'The Unready'*, pp. 10–13.

[38] *Charters of Abingdon Abbey*, ed. by Kelly, pp. l–liii, cxxxviii–cxl; cf. Brown, 'When Documents are Destroyed or Lost', making a similar argument for eighth-century Bavaria.

archives. These charters may then have been part of a dossier of copies of single-sheets preserved elsewhere. The fact that the four are copied on to two sheets of parchment and, in the case of S 832 and 1027, concern the same parcels of land perhaps argues for some sort of archival or administrative imperative behind their copying.

Conclusions

Perhaps some of the foregoing discussion comes into the category of the obvious, but it bears rehearsing. A brief discussion such as this can only scratch the surface of the pre-Conquest Exeter archive and the processes behind its creation and transmission. It is also less than clear how far one might generalize about Anglo-Saxon archival practice from the specific case of Exeter. It is quite possible, for instance, that Leofric's penchant for the creation of single-sheet copies was unusual; Exeter is certainly striking when compared to other Anglo-Saxon archives of a similar size in regard to the large number of single-sheet copies and, correspondingly, the relative absence of later-medieval cartulary copies. Nevertheless, this brief survey highlights some important points. Archives were continually evolving entities, where archivists shaped, edited, suppressed, and lost material to reflect current needs and priorities. This can be seen most clearly of all at Worcester, where the *Liber Vigorniensis* was created in the early eleventh century at the behest of the bishop, but Hemming's later chronicle cartulary seems to have been created partly in opposition to a new bishop, Samson, successor of the sainted Wulfstan.[39] The material in the *Liber Vigorniensis* was edited and reshaped by Hemming as part of the tense relationship between the cathedral priory and the incoming Norman bishop.[40] It is possible to see, in the activities of his scriptorium, Bishop Leofric engaging in a similar reshaping of the Exeter archive in the 1050s and 1060s, using the contents of the archive to underpin his attempts to fashion a past for the see, creating new charters where appropriate and suppressing or overwriting texts which did not fit this vision of the bishopric's past.

What the Exeter material highlights is that the preservation and copying of charters and the shaping of an archive belongs to a continuum of historical writing that includes narrative history, sacred biography and even liturgy. In this respect, Geary is in danger of drawing too rigid a contrast between those

[39] Tinti, 'From Episcopal Conception to Monastic Compilation'.

[40] See n. 5, above.

collections of charters where what might be termed 'archival' priorities — the effective administration of property through documents — seems paramount and those which seem to have a more memorializing function.[41] Although Geary was primarily discussing the contrast between East and West Frankish cartulary traditions, he does draw a contrast between the earliest Worcester cartulary, which he locates in the East Frankish tradition of 'geographical organization' and which had an 'administrative role', and Hemming's cartulary, which he describes as 'a commemorative, historical volume, not a working, administrative tool'.[42] If there was such a distinction, then it was a very porous one and nor would it have been apparent to those alive in the eleventh century, whether laymen or clerics. Cartularies were constructed to reflect the needs of the present, and those needs changed over time; it is unsurprising that those compiling cartularies, chronicles, or simply constructing narratives based around charters in England after the traumas of 1066 were responding to different agendas from those, such as the monk who compiled the early Worcester cartulary. For Hemming, for the compiler of BL, MS Cotton Claudius C.ix (the twelfth-century Abingdon chronicle cartulary) and for Bishop Leofric, it was vital to locate their institution's landed possessions in time as well as space. For these men the effective administration of one's patrimony and the correct remembrance of one's past were the same thing.

[41] Geary, *Phantoms of Remembrance*, pp. 84–107, esp. pp. 102–03. Geary presents a more nuanced position in his earlier contribution: Geary, 'Entre gestion et *gesta*'.

[42] Geary, *Phantoms of Remembrance*, p. 102.

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Representations of Monarchical 'Highness' in Carolingian Royal Charters

Shigeto Kikuchi*

One respect in which the rulers of the Carolingian kingdoms seem familiar to us is the way that they usually made use of *pluralis majestatis*, the so-called 'royal we', in their royal charters and letters. In this they would also have seemed familiar to their predecessors, the Roman emperors and the Merovingian kings, whose habit it had also been. Besides this, there were other designations that describe the person of the ruler by combining the possessive pronoun (*noster*) with abstracts such as *praecellentia*, *altitudo*, *celsitudo*, *magnitudo*, *magnificentia* and the like.[1] Such designations can still be found in use today: for example, one should address Queen Elizabeth II of the United Kingdom of Great Britain and Northern Ireland by the honorific title 'Your Majesty'. Of course, in medieval studies the personification of moral attributes are well known: Georges Tessier, for example, called such a formulation 'un attribut moral du souverain'.[2] In Niermeyer's medieval Latin dictionary

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[1] Sickel, *Lehre von den Urkunden der ersten Karolinger*, p. 180.

[2] 'A moral attribute of the ruler', in *Recueil des actes de Charles II le Chauve, roi de France*, ed. by Tessier, III (1955), p. 130.

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these abstract attributes are generally defined with the phrase 'title of honour'.[3]

It seems to me that medieval diplomatic has not examined these honorific titles systematically enough. Theodor von Sickel stated some one hundred and fifty years ago that certain titles were preferred by some individual rulers and by recipients of charters,[4] and repertoires of honorific epithets in royal charters were sometimes given by French *chartistes*: Léon Levillain dedicated one section of the introduction to his edition of the Aquitanian royal charters to the 'dénomination du roi dans le texte',[5] and René Poupardin did similarly with those of Provence.[6] Nevertheless, we still lack a detailed analysis of each title. Specific titles or honorifics have been studied, it is true, by historians such as Eugen Ewig in the context of the history of the ideas in the Roman and Christian traditions, but the actual reason for the choice of titles in diplomata has remained unexplored.[7] Partly this is due to the difficulties of differentiation between titles in context. Achim Thomas Hack declared that in his searching study of the addresses and self designations found in the letters of popes in the early Middle Ages:

> [...] how deliberate the uses of a particular title were generally remains unknown. The expressions of dignity [*Erhabenheit*] of a king are nearly synonymous. [...] The abstract attributes derived from monarchical virtues refer back to the early medieval prince-ethos [*Fürstenethos*] so generally that appeal to specific characteristics can hardly be assigned to them.[8]

Here we have a new possibility for diplomatic. Even if it is very difficult to assign one particular meaning to an abstract honorific, it ought not to be impossible to place the royal designation in a certain political context and to interpret it. This should especially apply after historians such as Heinrich Fichtenau, Herwig Wolfram, Peter Rück, Peter Worm, and Hagen Keller have demonstrated the propaganda methods and political values that were transmitted through royal charters and their issuing process. It follows that these diplomata were carefully constructed both in external form and in the structure of

[3] See articles on these words in *Mediae Latinitatis lexicon minus*, ed. by Niermeyer. Compare the results from Blaise, *Lexicon latinitatis medii aevi (Dictionnaire latin-français des auteurs du Moyen-Âge)*.

[4] Sickel, *Lehre von den Urkunden der ersten Karolinger*, pp. 180–81.

[5] *Recueil des actes de Pépin Ier et de Pépin II*, ed. by Levillain, pp. cxliii–cxlv.

[6] *Recueil des actes des rois de Provence*, ed. by Poupardin, pp. xxvii–xxviii.

[7] Ewig, 'Zum christlichen Königsgedanken im Frühmittelalter', pp. 17–18, especially nn. 44a and 45a.

[8] Hack, *Codex Carolinus*, I, p.371.

their text. The process of issuing charters was more or less ceremonially staged.[9] When an honorific title stands within or is an integral part of such a structure, one should ask whether it was also a part of such a political staging, by which I mean whether a particular image of the king was intended to be conveyed by the choice of words.

It seems likely that the political context played a specific role: we can find useful comparative approaches outside medieval diplomatic, for instance in studies of honorifics in late Antiquity, where we have an investigation by Ralph Mathisen to consider. He has shown that there was a connection between specific honorifics and specific late Roman officials, generally according to their senatorial status: that is, the imperial chancery adapted honorific epithets intended to be commensurate with each person they dealt with.[10] It is therefore valid to ask whether the choice of royal honorifics in Carolingian royal charters was likewise made consciously. Geoffrey Koziol noted the meaning of these monarchical attributes found in diplomata in his study of rituals and political order in the early Middle Ages. He pointed out the contrast set up between the royal highness, majesty or excellence, exalted through such epithets as *magnificentia*, on the one hand and the humility of the petitioner on the other hand: 'It was only these contrasting virtues that established a gulf between king and supplicant'.[11] But what was the significance of the choices made between the special forms of monarchical superiority that the king and his court attempted to emphasize and propagate? This chapter attempts to explain the usage of honorific epithets in royal charters as a means of political propaganda in specific political contexts.

The first example is taken from the charters of King Louis the German. Louis issued charters in his own name from 830. It is noteworthy that the honorific *nostra serenitas* appeared at first in his charter of December 840, that is, just

[9] See e.g. Fichtenau, *Arenga*; Fichtenau, 'Monarchische Propaganda in Urkunden'; Wolfram, *Lateinische Königs- und Fürstentitel bis zum Ende des 8. Jahrhunderts*; Wolfram, 'Lateinische Herrschertitel im neunten und zehnten Jahrhundert'; Wolfram, 'Political Theory and Narrative in Charters'; Rück, *Bildberichte vom König*; Rück, 'Die Urkunde als Kunstwerk'; Worm, 'Beobachtungen zum Privilegierungsakt am Beispiel einer Urkunde Pippins II. von Aquitanien'; Keller, 'Hulderweis durch Privilegien'; Keller, 'Die Herrscherurkunden'; Keller, 'The Privilege in the Public Interaction of the Exercise of Power'.

[10] Mathisen, 'Imperial Honorifics and Senatorial Status'.

[11] Koziol, *Begging Pardon and Favor*, p. 48. See also Keller, 'Hulderweis durch Privilegien', pp. 313–14; Keller, 'The Privilege in the Public Interaction of the Exercise of Power', pp. 81–82.

after the death of his father Louis the Pious.[12] This epithet became well established in the charters of the younger Louis: the title *serenissimus rex* appeared in Tironian notes from 843 onwards,[13] in dating clauses from 845,[14] and in the signum not before 848.[15]

Who took the initiative in these matters? The question of the actual responsibility for the text and wording of a royal charter is extremely vexed, and I cannot answer this question fully here. One factor to be considered is the background training of the scribe and his freedom to express it, issues that are considered below with specific examples. More problematic, and beyond the scope of this chapter, is the possible influence on charter texts of their recipients.[16] It is certainly conceivable that honorifics used in *Empfängerausfertigungen* (beneficiary copies) could represent images of a king as recipients imagined him to be, rather than his own self-conception. Comparison with the honorifics of kings used in letters, especially supplicants' letters, addressed to them will eventually help to clarify this, but the problem is complicated. For example, the frequency of *Empfängerausfertigungen* varies according to the region from which recipients came, as Kortüm has shown with papal charters.[17] I will discuss this problem elsewhere. For now, I consider that the consistency of preferences in linguistic choices discussed in this paper demonstrates that the choice of honorifics in royal diplomata corresponded largely to central policies. In any case, if we believe that a royal charter would have been read out by or in front of the king as part of the issuing process,[18]

[12] The first charter of Louis with the epithet *serenitas* is dated 12 December 840: *Die Urkunden Ludwigs des Deutschen, Karlmanns und Ludwigs des Jüngeren*, ed. by Kehr, no. 26.

[13] *Die Urkunden Ludwigs des Deutschen, Karlmanns und Ludwigs des Jüngeren*, ed. by Kehr, no. 33.

[14] *Die Urkunden Ludwigs des Deutschen, Karlmanns und Ludwigs des Jüngeren*, ed. by Kehr, no. 44.

[15] *Die Urkunden Ludwigs des Deutschen, Karlmanns und Ludwigs des Jüngeren*, ed. by Kehr, no. 48.

[16] Mersiowsky, 'Towards a Reappraisal of Carolingian Sovereign Charters'. See also Capper, this volume.

[17] Kortüm, *Zur päpstlichen Urkundensprache im frühen Mittelalter*, though see the methodological comments of Jarrett, 'Archbishop Ató of Osona', p. 30, n. 111.

[18] Keller, 'Zu den Siegeln der Karolinger und der Ottonen', pp. 436–38; Worm, 'Beobachtungen zum Privilegierungsakt am Beispiel einer Urkunde Pippins II. von Aquitanien', pp. 36–39; Keller, 'Mediale Aspekte der Öffentlichkeit im Mittelalter', pp. 278–79. For recitation of non-royal charters, cf. Tock, 'La mise en scène des actes en France', pp. 288–90.

he could hardly have been dissatisfied with the text.[19] The following study is conducted with this premise.

All the same, when seeing a change in the terminology of royal charters, we must at least examine the possible influence of personnel who were responsible for issuing charters at the royal court. We must note that the notary who was responsible for the charter of 840 was a newcomer to Louis the German's court, one Dominicus. Paul Kehr detected a new arrangement in the 'chancery' (*Kanzlei*) of the East Frankish king just after the death of Louis the Pious. According to Kehr, Dominicus was 'well informed about the developments that took place under Hirminmaris and Meginarius in the last years of Louis the Pious'.[20] It is therefore not unthinkable that Dominicus brought with him the terminology of the old imperial charters, or even that he initiated his own personal style in formulating royal charters.

It seems to me, all the same, that Louis the German's court had hitherto deliberately avoided the use of the honorific *serenitas* for the Bavarian-East Frankish king. It is not that it never occurred, but that before 840 the epithet *serenissimus* in Louis the German's charters was reserved for his imperial father, in the dating clauses in which the imperial year of Louis the Pious was given. When Louis the German's court in October 833 used two existing charters of his father as patterns (*Vorurkunden*) for a new charter for the abbey of St Gallen, the epithet *serenitas* that was used in those preceding imperial charters was not repeated, which must have been a deliberate choice.[21] Furthermore, the charter underlying Louis the German's diploma of December 840, a charter of Louis the Pious for the newly founded cloister of Corvey, did not include the epithet *serenitas*.[22] We can therefore legitimately suppose that the word was delib-

[19] Cf. Scharer, 'Herrscherurkunden als Selbstzeugnisse?', pp. 1–4. See also Scharer, 'Die Stimme des Herrschers'. The evidence that Scharer offers in these two studies to argue for active participation of early medieval monarchs in issuing diplomata is convincing, but still seem to be exceptional cases.

[20] *Die Urkunden Ludwigs des Deutschen, Karlmanns und Ludwigs des Jüngeren*, ed. by Kehr, pp. xx.

[21] *Die Urkunden Ludwigs des Deutschen, Karlmanns und Ludwigs des Jüngeren*, ed. by Kehr, no. 13 (*Chartae Latinae Antiquiores [...] Switzerland VI: Sankt Gallen 4*, ed. by Cavallo and Nicolaj, no. 33). The relevant charters of Louis the Pious are: Böhmer, *Die Regesten des Kaiserreichs*, ed. by Mühlbacher, 605 and 663 (=*Urkundenbuch der Abtei Sanct Gallen*, ed. by Wartmann and others, I: ed. by Hermann Wartmann (1863), nos 218 (with *serenitas*), 234, or *Chartae Latinae Antiquiores: Switzerland 4: Sankt Gallen 2*, ed. by Cavallo and Nicolaj, nos 6 and 32 (as 'a copy of the middle or the latter half of 9th century')).

[22] Böhmer, *Die Regesten des Kaiserreichs*, ed. by Mühlbacher, 779 (=*Die Urkunden des*

erately added into the 840 charter. Bearing in mind that the majestic epithet *serenissimus* was associated with the title of *augustus*,[23] we can trace back the new self-designation of Louis the German with the imperial epithet *serenitas* to his aspiration for a more independent reign and a broader kingdom versus his imperial older brother, Lothar I. This might have been one of the strategies in his 'struggle for empire' in the time of the wars of succession following the death of Louis the Pious.[24]

Similar usage of a specific honorific in a specific political context can already be observed in the reign of Louis the Pious. Without the forthcoming new edition of his charters, it is difficult to say anything as conclusive about the reign of Louis.[25] The imperial epithet *majestas* seems to have been used frequently after 834, however.[26] This abstraction had the sense of an 'unusual, unquestionably superior power and dignity to be respected' with some kind of sacrality from the time of Roman Republic.[27] Subsequently, the image of *majestas* was naturally assigned to Roman emperors. It must not be overlooked that violating the *majes-*

Karolingischen Zeitalters 777–900, ed. by Wilmans, no. 7).

[23] As to the connection between *augustus* and *serenissimus*, see Wolfram, 'Lateinische Herrschertitel im neunten und zehnten Jahrhundert', pp. 33–35.

[24] Goldberg, *Struggle for Empire*.

[25] As to his charters and the project of their edition, see Johanek, 'Probleme einer zukünftigen Edition der Urkunden Ludwigs des Frommen'; Johanek, 'Herrscherdiplom und Empfängerkreis'; Kölzer, *Kaiser Ludwig der Fromme*.

[26] My survey based on the charters listed in: Kölzer, *Kaiser Ludwig der Fromme*, Anhang: Urkundentabelle, which numbers charters from 1 to 417. Sixty-seven of these are forgeries and are excluded from my survey, while not a few charters appraised as 'interpolated' or tentatively as 'forgery?' are taken into account. Ten of the remainder were impossible for me to check because they are unedited or in editions that have been impossible to access. I thus work here from a sample of three hundred and forty of Louis the Pious's charters. While before the year 834 only four of two hundred and seventy-three charters use the epithet *majestas* (Böhmer, *Die Regesten des Kaiserreichs*, ed. by Mühlbacher, 579, 590, 905, 918: Professor Dr Theo Kölzer, who is editing the charters of Louis the Pious, kindly informs me that he appraises 579 as interpolated, 590 as modern forgery, 905 and 918 as the 'Empfängerausfertigungen' of St-Denis), this epithet is found in seventeen of sixty-seven charters issued between 834 and 840 (Böhmer, *Die Regesten des Kaiserreichs*, ed. by Mühlbacher, 931, 943, 944, 945, 947, 954, 956, 961, 964, 966, 967, 977, 980, 991, 993, 996, 1006: of which Professor Kölzer believes 964 to be interpolated and 966 and 980 to be forgeries). In the *Formulae imperiales* a formula with the imperial epithet *majestas*, which might be dated to the year 814, is included: *Formulae Imperiales e curia Ludovici Pii*, ed. by Zeumer, no. 14. Nos 33 and 35, also refer to the '*maiestas regia*', but they are not formulae of imperial charters.

[27] Gizewski, 'Maiestas'.

tas of the emperor was high treason, the *crimen laesae maiestatis* which included disobedience, resistance, and offences against the sovereignty of the state.[28] So we can relate the frequent usage of this epithet with the political situation of Louis after his deposition by his rebellious sons in 833 and rehabilitation in 834.[29]

Next we shall turn to the epithets of Charles the Bald. In Charles's diplomata we find many abstracts used as honorifics, such as *altitudo*, *celsitudo*, *clementia*, *excellentia*, *magnitudo*, *magnificentia*, *mansuetudo*, *praecellentia*, *reverentia*, *serenitas*, and so on. This is the richest repertoire of honorifics in Carolingian royal charters before 877, the year of Charles's death. Within these honorifics one can distinguish three terms, namely *altitudo*, *praecellentia*, and *sublimitas*, that were especially characteristic of Charles's diplomata. Sickel showed that *altitudo* appeared frequently only in Charles's diplomata.[30] *Praecellentia* and its derivative *praecellentissimus* can likewise rarely be found in the charters of other Carolingian rulers.[31] These two honorifics were used about equally in Charles's charters through the years 840–70. Their usage may also reflect the image of the virtues and dignity of the ruler which Charles himself and/or his court sought to spread. I cannot analyse these two words further here, but it is worth pointing out that they were characterized by Blaise as Christian Latin and that *praecellentia* and *praecellentissimus* were both already in use in the Merovingian era.[32] From that time on, it was the clergy and popes who used this nomenclature for the secular rulers.[33]

[28] Gizewski, 'Maiestas'; Weitzel, 'Das Majestätsverbrechen zwischen römischer Spätantike und fränkischem Mittelalter'. It is hard to be sure whether one of the connotations of *majestas*, namely the *patria potestas* of the *pater familias*, was taken into account by Louis's court.

[29] For the revolt of his sons against Louis in 833 and his restitution next year, see Boshof, *Ludwig der Fromme*, pp. 192–210.

[30] A unique exception in *Die Urkunden Pippins, Karlmanns und Karls des Großen*, ed. by Mühlbacher, no. 58, which survived only as a copy. Sickel considered the possibility that the copyist might have misread *celsitudo* as *altitudo*: Sickel, *Lehre von den Urkunden der ersten Karolinger*, p. 180.

[31] Pippin II of Aquitaine used the epithet *praecellentia* four times after 846: *Recueil des actes de Pépin Ier et de Pépin II*, ed. by Levillain, nos 52, 54, 57, 61. The epithet *praecellentissimus* seems to have been used as an 'ordinary' epithet in the signum clauses of his charters: nos 50–54, 56–59, 61. Otherwise there is only a forged charter of Louis the German in which Charlemagne and Louis the Pious are designated with the honorific *precellentissimus*. *Die Urkunden Ludwigs des Deutschen, Karlmanns und Ludwigs des Jüngeren*, ed. by Kehr, no. 175.

[32] See *altitudo* and *praecellentia* in Blaise, *Lexicon latinitatis medii aevi (Dictionnaire latin-français des auteurs du Moyen-Âge)*.

[33] See e.g. the indices of *Epistolae Merowingici et Karolini aevi (1)*, ed. by Dümler and oth-

Conversely, *sublimitas* was not so unusual by Charles's time. This abstraction had been in use in late Antiquity both as a self-designation and as an address, occurring mainly as an epithet for the recipients of imperial charters or letters.[34] During the Frankish era, *sublimitas* was also applied to the clergy.[35] When considering the frequency of usage of this epithet in royal charters, however, Charles's reign is still singular. All Merovingian royal documents that contain the word *sublimitas* as an honorific are later falsifications, according to the most recent editor of the charters, Theo Kölzer.[36] Of the two charters of Mayors of the Palace using the honorific *sublimitas*, one is a later falsification.[37] The other one, with the honorific *regalis sublimitas*, is a charter granting immunity that is based on a formula in the *Libri duo* of Marculf.[38] Furthermore, the diplomata of Pippin the Short and Charlemagne that use this honorific are also based on a formula from Marculf.[39] Although it might still be the case that there was a change in the usage of honorific titles in Louis's imperial charters, it is difficult to prove it. The *Formulae imperiales* contain no formulae using the epithet *sublimitas*,[40] and we have too little evidence in the sources to confirm such a view.[41]

ers; *Epistolae Karolini aevi (II)*, ed. by Dümmler and others; *Epistolae Karolini aevi (III)*, ed. by Dümmler and others; *Epistolae Karolini aevi (IV)*, ed. by Dümmler and others; *Epistolae Karolini aevi (V)*, ed. by Caspar and others; Hincmar, *Epistolae*, ed. by Perels; *Concilia Aevi Merowingici*, ed. by Maasen; *Concilia Aevi Karolini [742–842]*, ed. by Werminghoff; *Die Konzilien der karolingischen Teilreiche 843–859*, ed. by Hartmann; *Die Konzilien der karolingischen Teilreiche 860–874*, ed. by Hartmann.

[34] Classen, *Kaiserreskript und Königsurkunde*, p. 75.

[35] See e.g. *apostolica sublimitas* in Alcuin's letter in: *Epistolae Karolini aevi (II)*, ed. by Dümmler and others, no. 174. See also 'Einharti epistolae', in *Epistolae Karolini aevi (III)*, ed. by Dümmler and others, nos 70–71.

[36] *Die Urkunden der Merowinger*, ed. by Kölzer, nos 33, 71.

[37] *Die Urkunden der Arnulfinger*, ed. by Heidrich, no. 25.

[38] *Die Urkunden der Arnulfinger*, ed. by Heidrich, no. 17. See *Marculfi Formulae*, ed. by Zeumer, I, no. 3.

[39] *Die Urkunden Pippins, Karlmanns und Karls des Großen*, ed. by Mühlbacher, nos 9, 10, 18 (Pippin III); nos 74, 85, 102, 108, 119, 130 (Charlemagne). It is interesting that all these charters of Charlemagne are dated before 780. This tendency of *sublimitas* usage in immunity charters should prompt us to consider whether the type of a diploma played a part in the choices of honorific used in it. It is certainly conceivable that a monarch would represent himself differently in a charter of gift than he would in a charter confirming a privilege given by an earlier king. I intend to discuss this topic in a separate paper.

[40] *Formulae Imperiales e curia Ludovici Pii*, ed. by Zeumer, pp. 285–327.

[41] I have found one charter that uses the epithet *sublimitas* outside contexts derived from

We can certainly track the usage of the epithet *sublimitas* after the reign of Louis, however. Among the one hundred thirty-nine surviving genuine charters of Lothar I, nineteen (or twenty) charters, i.e. 13.66% (or 14.38%) use the epithet *sublimitas* without being based on Marculf's immunity formula.[42] During the reigns of Lothar's sons, this tendency continued: Louis II of Italy used this epithet in six out of sixty-nine charters, Lothar II in seven out of thirty-six charters, and Charles of Provence in five of thirteen charters.[43] But Pippin I of Aquitaine used the epithet *sublimitas* only twice, Louis the German once and Pippin II of Aquitaine never.[44] In comparison, the charters of Charles the Bald during the first years of his rule are not striking in this respect, but there seems to have been a turning point in mid-848. After the issue of a charter dated 23 July 848 with the epithet *sublimitas*, usage of this honorific continued more frequently. Only four of ninety-six surviving charters, that is one in every twenty-four, contain this honorific before this date,[45] whereas from July 848 until the interruption of his charter-issuing in 858 Charles is designated with *sublimitas* in twenty-six of seventy-five charters, that is just over one in every three![46] It is noticeable that in contrast to the charters of Lothar I and II, in

Marculf (Böhmer, *Die Regesten des Kaiserreichs*, ed. by Mühlbacher, 595), but Kölzer judges this to be interpolated: Kölzer, *Kaiser Ludwig der Fromme*, Anhang: Urkundentabelle, no. 113, with updated information from Professor Kölzer.

[42] *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, nos 30, 42, 55, (60), 70, 73, 76, 81–83, 86, 93, 94, 96, 100, 117, 118, 124–26. We find this epithet only in one branch of the transmission of no. 60 (Abschrift C in the edition), hence its doubtful inclusion.

[43] *Die Urkunden Ludwigs II.*, ed. by Wanner, nos 16, 24, 30, 60, 67, 69; *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, nos 8, 9, 12, 13, 17, 23, 27, 32.; *Recueil des actes des rois de Provence*, ed. by Poupardin, nos 2, 6, 9, 10, 12.

[44] *Recueil des actes de Pépin Ier et de Pépin II*, ed. by Levillain, nos 22, 23; *Die Urkunden Ludwigs des Deutschen, Karlmanns und Ludwigs des Jüngeren*, ed. by Kehr, no. 56.

[45] *Recueil des actes de Charles II le Chauve, roi de France*, ed. by Tessier, nos 56, 62, 76, 84. What we see now in no. 12, is a later manipulation of two charters. The part of the text which includes its arenga with the epithet *sublimitas* may actually be part of a charter of 859: see Böhmer, *Die Regesten des Kaiserreichs*, ed. by Mühlbacher, vol. II: *Die Regesten des Westfrankenreichs und Aquitaniens*, part 1: *Die Regesten Karls des Kahlen 840 (823)–877, I: 840 (823)–848*, ed. by Irmgard Fees (Wien: Böhlau, 2007), no. 331.

[46] *Recueil des actes de Charles II le Chauve, roi de France*, ed. by Tessier, nos 109–11, 119, 123, 125, 126, 127, 139, 140, 141, 142, 144, 146, 150, 156, 159, 165, 169, 172, 173, 174, 175, 176, 180, 189. Charles's charters were much more frequently written by their recipients after 858, which militates against formulaic unity: see Brousseau, 'Die Urkunden Ludwigs des Deutschen und Karls des Kahlen', pp. 111–119.

which the epithet *sublimitas* is mainly found in more or less similarly phrased arengas, one can find this epithet in several different sections of Charles's diplomata (*narratio*, *dispositio* and so on). In view of the restricted survival of charters we should not overestimate the statistical significance of such results but we can at least suppose that Charles the Bald chose to use the honorific *nostra sublimitas* more intentionally at a particular point in his reign.

We should of course ask if this preference for *sublimitas* between 848 and 858 can be imputed to a particular scribe. In my opinion the answer is no, because the notaries who were responsible for all these charters, namely Aeneas, Bartholomaeus, and Gislebertus, were active in Charles's court from 842, 835, and 847, respectively. Similarly, Charles's archchancellor all the way through to 867 was his uncle Louis, the abbot of St-Denis.[47] It follows then that no simple change of personnel responsible for issuing charters explains the more frequent usage of *sublimitas*. We must therefore consider that this more frequent usage reflected a conscious intention to use this honorific for propaganda purposes.

We now need, therefore, a historical overview of the abstract *sublimitas*. This word was used by Hincmar of Reims in the dedication to his tract *Collectio de ecclesiis*, addressed to Charles the Bald, written in 857 or 858:

> [...] sciens ab apostolo commendatum, ut omnis anima, id est omnis homo, potestatibus sublimioribus subdita sit; non est enim potestas nisi a deo. Et iterum dicit: Subiecti estote omni humanae creaturae propter Deum sive regi tamquam precellenti. Et quoniam *vestra regia a Deo constituta sublimitas* sacerdotali religioni et cordis et corporis cervices devote inclinat, competens esse dinoscitur, ut et pontificalis auctoritas regiae dignitati cum omni pietatis officio submittat, sicut sanctus Gelasius in decretali epistola ad Anastasium imperatorem ostendit dicens [my emphasis].[48]

[47] *Recueil des actes de Charles II le Chauve, roi de France*, ed. by Tessier, III, pp. 38–42, 60–71.

[48] Hincmar, *Collectio de ecclesiis et capellis*, ed. by Stratmann, p. 64.

'[...] because I know that the Apostle ordered that every soul, that is, every man, should be subject to powers more sublime, for there is no power except from God. And he further says: you should be completely subjected to every human creature for God's sake, whether it be to the king as superior [the following sentence referred to by *sive*, namely 1 Peter, 2. 14, is omitted by Hincmar]. And since *your royal sublimeness, constituted by God*, devotedly inclines your neck to priestly religion, both in heart and in body, it is deemed to be fitting that the pontifical authority also submits with all the office of piety to the royal dignity, just as the holy Gelasius demonstrated in his decretal letter to Emperor Anastasius.'

Note that the word *sublimitas* and its derivatives are not found in the following citations of Gelasius and Augustine about this subject. Hincmar, *Collectio de ecclesiis et capellis*, ed. by Stratmann, pp. 64–65.

Here Hincmar explains the relationship between the secular and sacred powers and says that the royal *sublimitas* was given by God to Charles. In this context another text, the so-called *Libellus proclamationis adversus Wenilonem* is also informative. This was Charles's reproof of Archbishop Wenilo of Sens, who in the crisis of 858 had taken the side of Louis the German. This text was likely also written by Hincmar:

> Sed et post hoc electione sua aliorumque episcoporum ac ceterorum fidelium regni nostri voluntate, consensu et acclamatione cum aliis archiepiscopis et episcopis Wenilo in diocesi sua apud Aurelianis civitatem in basilica sanctae crucis me secundum traditionem ecclesiasticam regem consecravit et in regni regimine chrismate sacro perunxit et diademate atque regni sceptro in regni solio *sublimavit*. A qua consecratione vel regni *sublimitate* subplantari vel proici a nullo debueram, saltem sine audientia et iudicio episcoporum, quorum ministerio in regem sum consecratus [...] [again, my emphasis].[49]

In this text, Charles is made to describe his royal inauguration in June 848 at Orléans. Wenilo, following the election by the bishops and according to the wish and consensus as well as acclamation of Charles's followers, enthroned him, that is, *sublimavit in regni solio*, through consecration and unction. Here, the consecration (*consecratio*) and the dignity, sublimity, or highness of the throne (*regni sublimitas*) were cited as a legitimate basis for Charles's kingship. Hincmar and the West Frankish bishops had also already argued the legitimacy of Charles's kingship on the grounds of the *consensus populi* and episcopal unction in a letter to Louis the German in 858.[50]

[49] *Capitularia Regum Francorum*, II: ed. by Alfred Boretius and Viktor Krause (1890–97; repr. 2001), no. 300, c. 3, or *Die Konzilien der karolingischen Teilreiche 843–859*, ed. by Hartmann, no. 47 (B):

'But, after this election, by his will, consent and acclamation and those of other bishops and faithful men of our realm, Wenilo, with other archbishops and bishops, consecrated me king according to ecclesiastical tradition in his diocese at the city of Orléans in the basilica of Sainte-Croix, anointed me with sacred chrism to be ruler of the kingdom, and raised me up (*sublimavit*) with the diadem and the sceptre of the kingdom to the throne of the kingdom. From the which consecration or raising (*sublimitate*) to the kingdom I ought to be supplanted or thrown down by no-one, at least not without the audience and judgement of the bishops, by whose ministry I was consecrated to the kingdom [...].'

As to the authorship, see Nelson, 'Not bishops' bailiffs but lords of the earth', p. 138 and n. 24.

[50] *Die Konzilien der karolingischen Teilreiche 843–859, ed. by Hartmann*, no. 41, c. 15: 'Maxime autem nobis necesse est loqui cum illis archiepiscopis et episcopis, qui consensu et voluntate populi regni istius domnum nostrum fratrem vestrum unxerunt in regem sacro chrismate divina traditione quemque sancta sedes apostolica mater nostra litteris apostolicis ut regem honorare studuit et confirmare.'

The connection between the highness of the king and his enthronement through election, consensus, and consecration is even clearer when one considers the verbal form of *sublimitas*, that is, *sublimare*. As mentioned, the action of enthroning Charles in 848 was described as 'in regni solio sublimare'. The description *in regno sublimare* was often used concerning a royal enthronement in early medieval sources, even if not always.[51] For example, in the *Chronicle* of 'Fredegar' and its continuation some enthronements are described using *sublimare in regno* when a simple hereditary succession had not occurred but rather when the magnates had elected a king or clearly gave one their consent.[52] According to Reinhard Schneider, this phrase is relevant to the Frankish usages around the enthronement of a new king.[53] The enthronement of the first Carolingian king, Pippin the Short, is also described with this phrase.[54] Other

'Moreover it is most necessary for us to consult with those archbishops and bishops who with the consent and will of the people of this same kingdom anointed our lord your brother as king with sacred chrism by divine tradition, and whom our mother the holy apostolic see wanted to honour and confirm as king with apostolic letters.'

See also the *ordo* for the coronation of Queen Ermentrude in 866, which Hincmar wrote (*Ordines Coronationis Franciae*, ed. by Jackson, 11, no. 6, c. 2):

'Volumus vos scire, fratres, quia domnus et senior noster, Karolus rex gloriosus, nostrae humilitatis petiit devotionem, ut auctoritate ministerii nobis a Deo conlati, sicut ipse in regem est unctus et consecratus, episcopali auctoritate, unctione sacra et benedictione, veluti in scripturis legimus Dominum praecepisse, ut reges ungerentur et sacrarentur in regiam potestatem; ita uxorem suam dominam nostram in nomine reginae benedicamus.'

'We wish you to know, brothers, that the lord our superior, the glorious king Charles, besought the devotion of our humility so that by the minister's authority conferred on us by God, just as he himself was anointed and consecrated as king, by episcopal authority, with the sacred unction and benediction, just as we read in Scripture that the Lord ordered that kings should be anointed and consecrated into royal power, that we would likewise bless our lady his wife with the name of queen.'

[51] Also in diplomata. See e.g. charters of Louis the Pious with the notion of *sublimare in [imperiali] solio*: Böhmer, *Die Regesten des Kaiserreichs*, ed. by Mühlbacher, 779 (= *Die Urkunden des Karolingischen Zeitalters 777–900*, ed. by Wilmans, no. 7): 'Nos vero in eius [sc. Karoli Magni] solio superni muneris dono sublimati' ('We, raised indeed onto his [Charlemagne's] throne by the gift of divine generosity'). See also Böhmer, *Die Regesten des Kaiserreichs*, ed. by Mühlbacher, 969 (= *Histoire Générale de Languedoc*, ed. by Devic and Vaissete, ii: *Preuves: chartes et documents*, no. 92: 'divinitus nobis imperiali solio sublimatis' ('we having been raised to the imperial throne by divine agency')).

[52] Fredegar, *The Fourth Book of the Chronicle*, ed. by Wallace-Hadrill, cc. 13, 45, 49, 51, 63, 70, 73, 75, 79, 81, 82, 82; Cont. cc. 33, 54.

[53] Schneider, *Königswahl und Königserhebung im Frühmittelalter*, pp. 187–218.

[54] Fredegar, *The Fourth Book of the Chronicle*, ed. by Wallace-Hadrill, Cont. c. 33:

Carolingian rulers whose enthronement is described with the verb *sublimare* include Charlemagne, his brother Carloman, and Louis the Pious.[55]

Iconographic sources suggest that Charles was enthroned, raised, or elevated to the throne. The prayer book of Charles now in Munich, likely made between 846 and 869, contains an illustration of a humble king kneeling before a crucified Christ (Figure 4). Robert Deshman interpreted this picture of the kneeling man with royal clothing as a wish that humble Charles be raised to the throne by God like humble David in the Old Testament.[56] Aside from other Biblical figures like Solomon, the role model of David and his virtue of *humilitas* was brought forward and promoted during the reign of Charles as, indeed, it had been in that of his grandfather.[57] It is noticeable that David's elevation to the throne through God's grace was also described with the phrase *sublimare in regno* in the *ordines* for royal inaugurations in the Carolingian age, for example in the *ordo* for Louis the Stammerer and in the *ordo* which Guy Lanoë argues

'Quo tempore una cum consilio et consensus omnium Francorum missa relatione ad sede apostolica auctoritate praecepta praecelsus Pippinus electione totius Francorum in sedem regni cum consecratione episcoporum et subiectione principum una cum regina Bertradane, ut antiquitus ordo deposcit, sublimatur in regno.'

'Then with the advice and consent of all the Franks a proposition was sent to the Apostolic See. Having obtained its judgement, lofty Pippin was raised to the kingship with queen Bertrada through the election to the royal throne by all the Franks, the consecration by the bishops, and the submission of magnates, as the ancient order required.'

[55] Fredegar, *The Fourth Book of the Chronicle*, ed. by Wallace-Hadrill, Cont. c. 54 (Charlemagne and Carloman):

'[...] praedicti reges Carlus et Carlomannus unusquisque cum leudibus suis ad propriam sedem regni eorum uenientes, instituto placito initoque consilio cum proceribus eorum mense Septembrio die dominico XIII Kl. Octobris, Carlus ad Nouionem urbem et Carlomannus ad Saxonis ciuitatem, pariter uno die a proceribus eorum et consecratione sacerdotum sublimate sunt in regno.'

'[...] the aforesaid kings Charles and Carloman, coming, each one with their followers, to the seat of their kingdom, and having summoned a court and a counsellors' meeting with their magnates for the month of September, on the Lord's Day on the 13th Kalends of October, Charles at the city of Noyon and Carloman at the city of Soissons, on the same day they were raised to the kingdom equally by their magnates with a consecration by the priests.'

Translatio Sancti Viti martyris, ed. by Schmale-Ott, p. 38 (Louis the Pious): 'Ludowicus autem, qui usque quaque Vasconum regnum tenuit, super omne Francorum regnum est sublimatus' ('Louis, moreover, who up until then held the kingdom of the Gascons, was raised up over the whole kingdom of the Franks'), after Charlemagne's death. For him see also the charters cited in n. 51, above.

[56] Deshman, 'The Exalted Servant'.

[57] Anton, *Fürstenspiegel und Herrscherethos in der Karolingerzeit*, pp. 420–31.

Figure 4. 'King kneeling before the Crucified Christ', Munich, Residenz, Schatzkammer, *Gebetbuch Karls des Kahlen*, fols 38^{v}–39^{r}. Reproduced by kind permission.

should be identified as the *ordo* for Charles's enthronement of 848: 'humilem quoque Dauid puerum tuum regni fastigio sublimasti'.[58] The idea of heavenly intervention in the elevation of a Carolingian king is found also in a letter formula which is addressed to Pippin the Short.[59]

In addition, one should remember the famous illustration in the so-called Vivian Bible, which was dedicated to Charles the Bald (Figure 5). In this picture, Charles sits on the throne; this illustration is in fact the oldest surviving miniature to depict a king on the throne. This Bible has been dated by several

[58] The *ordo* for the coronation of Louis the Stammerer in: *Ordines Coronationis Franciae*, ed. by Jackson, no. 8 B (Hincmars Ordo), c. 14: 'you have raised the humble young man, your boy David, to the summit of the kingdom'. For the supposed *ordo* of 848, see Lanoë, 'L'ordo de couronnement de Charles le Chauve'. His opinion, however, seems not to have been received positively by other historians: see Semmler, *Der Dynastiewechsel von 751 und die fränkische Königssalbung*, pp. 112–14 and n. 448. I'm grateful to Dr Alexandru Anca for his comment that Charles the Bald and David had an unmissable common point, i.e., both of them were the youngest sons.

[59] *Formulae collectionis sancti Dionysii*, ed. by Zeumer, no. 18: 'Domino clementissimo et a Deo electo et sublimato Pippino regi quam magnificentissimo' ('To the most clement lord and most magnificent king Pippin, elected and raised up by God'). See also n. 51 above.

Figure 5.
'Charles the Bald enthroned in the Vivian Bible', Paris, Bibliothèque Nationale de France, MS latin 1, fol. 423r. Reproduced by kind permission.

scholars to about late 845 or early 846.[60] If we follow the opinion of Schneider, the royal inauguration should have taken place concomitantly with the elevation of a new king to the throne. So, should we, as does Janet Nelson, relate the production and dedication of this Bible to Charles's enthronement in 848?[61]

[60] For its dating, see Böhmer, *Die Regesten des Kaiserreichs*, ed. by Mühlbacher, vol. II: *Die Regesten des Westfrankenreichs und Aquitaniens*, part 1: *Die Regesten Karls des Kahlen 840 (823)–877, 1: 840 (823)–848*, ed. by Irmgard Fees (Wien: Böhlau, 2007), no. 514 (with bibliography). See also the detailed study of this bible, Dutton and Kessler, *The Poetry and Paintings of the First Bible of Charles the Bald*.

[61] Nelson, *Charles the Bald*, p. 155 n. 106 and p. 158. We cannot, naturally, completely exclude the possibility that the image in the Vivian Bible could have influenced the thoughts of court members if the Bible had been offered to the king before the ritual of 848.

There is certainly more to be said about the royal inauguration of 848. This ceremony took place on 6 June that year. The temporal correspondence between Charles's enthronement and the beginning of a more frequent usage of the honorific *sublimitas* in his charters just after this ceremony is evident. Even though there is no direct evidence, it would seem to me that this harmonizing was not accidental. This is especially the case when we consider the possibility that Hincmar of Reims had some influence on this ceremony in Orléans.[62] Certainly, within about ten years, in his position as one of the more important members of the court, he was clearly conversant with the royal resonances of the words *sublimitas* and *sublimare*. In this respect the argument of Matthias Becher is also very important, in that the king's elevation and the gesture of subordination were here combined as shown in the description of the change of dynasty in 751: 'Those who elevate the new king, at the same time subordinate themselves to him'.[63] We can plausibly assume that Charles the Bald, at the time of his political victory over Pippin II of Aquitaine which was made visible through the royal inauguration in Orléans, intended to legitimate and propagate his newly attained highness through the use of the honorific *sublimitas*, in full knowledge of the important connotations mentioned above.

With these three case studies, I hope to have shown a new possibility for the interpretation of honorifics in royal charters as political messages of the Carolingian monarchs. Those honorifics were not banal ornaments to the texts of Carolingian diplomata; instead, even if not on every occasion, their usage may well have been carefully calculated according to individual political contexts. Further elucidation of this kind of diplomatic usage may thus bring us a few steps closer to the political thinking of the Carolingian rulers who employed it.

[62] Nelson, 'Kingship, Law and Liturgy in the Political Thought of Hincmar of Rheims', pp. 137–38 with n. 4. See also Nelson, 'Inauguration Rituals', pp. 293–95.

[63] Becher, 'Die subiectio principum', pp. 166–67.

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Titles and Troubles: Conceptions of Mercian Royal Authority in Eighth- and Ninth-Century Charters

Morn Capper*

By the early eighth century, the rulers of Mercia had expanded their kingdom outward from the valley of the River Trent to incorporate the peoples of Lindsey, the East Saxons and Middle Saxons on the Thames, the *Magonsæte* west of the Severn, and the Hwicce east of the Severn. Under Kings Æthelbald and Offa the Mercians became the dominant power among the Anglo-Saxon kingdoms, ruling over East Anglia and Kent.[1] As Mercia expanded by conquest, so the Mercian kings who achieved this — Æthelbald, Offa, and Coenwulf — were at times attributed more than usual capabilities in letters, charters, and annals. It has yet to be established, however, whether and how these styles reflected internal Mercian conceptions of royal authority. Studies of the Mercian supremacy to date would suggest that the temptation

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[1] The term Mercian Supremacy was coined by Stenton, 'The Supremacy of the Mercian Kings', in which he argued for the inexorable growth of Mercian power and English unity, developed further in Stenton, *Anglo-Saxon England*, pp. 38–49 and 202–238. A narrative for the early Mercian kingdom is provided in Brooks, 'The Formation of the Mercian Kingdom'. More recently the lack of narrative studies has been tackled by two important collaborative volumes; Brown and Farr, eds, *Mercia*, and Hill and Worthington, eds, *Aethelbald and Offa*. See also now Capper, 'Contested Loyalties'.

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has been to see in charters attested by Mercian kings the clearest statement of Mercian ideas on their expanded kingship. Is this justifiable, and if not, what significant evidence can the study of charter styles offer?

It is well known that Mercian rulers suffer from 'the lack of a contemporary Mercian apologist':[2] most of the available sources were written in kingdoms the Mercians conquered, amongst insular neighbours against whom they fought or by continental neighbours with whom they traded. One of the most problematic historical constructs has been the *Bretwalda*, a concept lying behind the idea that the kings of the Mercian Supremacy might have held a high-kingship of Britain, which appeared to be reflected in the 'rex Brittaniae' style given Æthelbald in the so-called Ismere charter.[3] It now seems evident, however, that the *Bretwalda* was essentially a West Saxon construct, used in the *Anglo-Saxon Chronicle* to give a precedent for Alfred the Great's ninth-century overlordship. Sir Frank Stenton contrasted Æthelbald, king from 716 to 757, 'the barbarian master of a military household' with his successor Offa, whom he described as, 'a statesman', largely on the basis of his correspondence with Charlemagne and his charters.[4] However, since Offa's charters as 'Rex Anglorum' were shown by Patrick Wormald to be spurious in their received form, Simon Keynes has dominated recent discussion, removing Stenton's 'statesman' in favour of the view that even at the height of his power, Offa was 'just king of the Mercians'.[5]

It is high time that models of a uniform growth in the practice and ideology of Mercian hegemony were put aside in favour of a more nuanced approach. It has long seemed inadvisable to rely on the acknowledgement of rising Mercian

[2] 'Introduction', in Brown and Farr, eds, *Mercia*, pp. 1–10 (p. 1).

[3] 'King of Britain': S 89. For early discussion of the kingship of Britain: Stenton, 'The Supremacy of the Mercian Kings', pp. 440–42. The idea of the *Bretwalda* was taken to its maximum extent by Eric John, '*Orbis Britanniae*', and he continued to adhere to the concept of *Brytenwealda* as a traditional title (John, *Reassessing Anglo-Saxon England*, p. 54). For criticism see Wormald, 'Bede, Bretwaldas and the Origins of the *gens Anglorum*', and Fanning, 'Bede, Imperium and the Bretwaldas'. On Bede's list of kings who held *imperium*; Keynes, 'Raedwald the Bretwalda'; Scharer, 'The Writing of History at King Alfred's Court', p. 181.

[4] After Offa's rule progress was apparently ended as Coenwulf was 'prepared to re-establish the primitive system of government' by having only one Southumbrian archbishopric: Stenton, *Anglo-Saxon England*, pp. 205, 224, 226.

[5] The charters cited in Stenton, 'The Supremacy of the Mercian Kings' were S 104, S 108 (although *Rex Merciorum* is used in the witness list), S 109, S 111, S 121, S 132, S 133, S 145, against the acceptance of which read Wormald, 'Bede, Bretwaldas and the Origins of the *gens Anglorum*', p. 110, Keynes, 'Changing Faces: Offa King of Mercia', p. 17, and Keynes, 'The Kingdom of the Mercians in the Eighth Century', p. 6.

influence by external ecclesiastical writers, such as Bede, Boniface, and Alcuin, for our views of internal moves towards a Mercian royal ideology.[6] The charters appear at first to offer a more genuine impression of Mercian self-opinion. They reflect the direct impact of Mercian activities; however, consideration of the archives involved indicates that here, also, the sources largely record thinking from outside the Mercian heartland. The charters of Mercian kings must be reconsidered in the context in which the Mercian kings operated, as valuable records reflecting accommodation between Mercian rulers, their agents, and local powers. With no evidence for a Mercian chancery, Susan Kelly has suggested that charters were largely produced by the houses which benefited.[7] For this reason, we should ask more carefully whether Mercian kings were trying to reconfigure their own title to lordship, or whether charter styles represent the actions of scribes attempting to express unprecedented Mercian power seen from a local or regional perspective.

The royal styles given in charters of Mercian kings are relatively consistent. By far the most common style given to Mercian kings was *rex Merciorum* (or closely related forms such as *rex Mercensium*).[8] As Mercian power expanded south and east, this also became the dominant representation of Mercian authority on its coinage, beginning with a regnal coinage for Offa in London, probably around 760–65.[9] The earliest coins of moneyers MANG and 'Odbert' appear to show a uniform obverse design at the London mint, replicated in coins of Kent and East Anglia as Offa's power grew.[10] Despite the unprecedented opportunity for

[6] While Boniface's letter of admonition to Æthelbald refers to his rule in inflated terms 'Anglorum imperii sceptra gubernanti Aethelbaldi regi', in accompanying letters to other ecclesiastics and a previous more general letter requesting assistance, Boniface described Æthelbald as 'king of the Mercians': *Die Briefe des heiligen Bonifatius und Lullus*, ed. by Tangl, nos 73, 74, 75, 69. Alcuin too referred to Offa in an earlier letter as the 'decus Britanniae' ('glory of Britain'), but later in 796 as king of the Mercians: 'Alcuini sive Albini epistolae', *Epistolae Karolini aevi (II)*, ed. by Dümmler and others, nos 64, 101.

[7] Kelly, 'Anglo-Saxon Lay Society and the Written Word', p. 42.

[8] Keynes, 'The Kingdom of the Mercians in the Eighth Century', p. 6.

[9] Chick, 'The Coinage of Offa in the Light of Recent Discoveries', p. 119. This London coinage seems slightly earlier stylistically than East Anglian Wilred coins of Offa and Offa's earliest Kentish coins of Eoba. These are again earlier than Eoba's coinage for Ecgberht II; Chick, 'Towards a Chronology for Offa's Coinage', pp. 56–57 (Chick Corpus, 006a and 007a); Chick, *The Coinage of Offa and his Contemporaries*.

[10] The discovery of this earliest coinage postdates the key analyses of Blunt, 'The Coinage of Offa', Stewart, 'The London Mint and the Coinage of Offa', and Metcalf, *Thrymsas and Sceattas in the Ashmolean Museum Oxford*, I, p. 13.

self-aggrandizement offered by a Frankish-inspired royal coinage being issued across his subject kingdoms, Offa's earliest coins use the abbreviated legend O/F||R/M: the traditional title 'OFfa Rex Merciorum'.[11] Yet there are some points of notable divergence from the style *rex Merciorum* in charters (and, as we shall see, in Mercian coinage). If Mercian royal ideology rested on a consistent title to kingship, what should be taken from the unique styles evident in some charters?

Although Penda and his descendants had been able to build impressive confederations for campaign purposes in the seventh century, Æthelbald (716–57) is the first Mercian ruler to be widely accorded unprecedented power.[12] Around AD 731 Bede famously stated that all of the kingdoms south of the Humber 'have been subjected' (*subiectae sunt*) to Æthelbald, king of the Mercians.[13] A number of Æthelbald's charter styles also offer grandiose ideas of royal authority. As a consequence, Susan Kelly has suggested that Æthelbald was 'disposed to make some very extravagant claims about his status'.[14] One of the most famous statements of expanded Mercian rule is the Ismere charter of 736, which contains an intersection of three statements of lordship.[15] First, it describes Æthelbald as 'not only king of the Mercians, but also of all the peoples who are called by the general name south Angles'. Second, he attests as 'Æthelbald rex Britanniae'. Third, there is the endorsement by Æthelbald as 'king of the South Angles/South English', 'rex sutangli'. The reading of this charter remains contested. Simon Keynes has referred to the Ismere charter itself as 'sycophantic hyperbole'.[16] This would imply that the object of these styles was to heap praise on Æthelbald. If Kelly is right in thinking that Æthelbald intended to make these 'claims' for himself, however, this would constitute a public declaration of new and multiple kingships, leaning towards that 'scope of their claims' which Eric John considered in '*Orbis Britanniae*', but with which few historians now agree.[17]

[11] Capper, 'Contested Loyalties', p. 327.

[12] It is well known, for example, that Penda had led thirty *duces regiae* to the battle of Winwaed and Wulfhere had 'roused all the southern peoples' against the Northumbrians: Bede, *Ecclesiastical History of the English People*, ed. and trans. by Colgrave and Mynors, III. 24, Stephen of Ripon, *Life of Bishop Wilfrid*, ed. and trans. by Colgrave, c. 20.

[13] Bede, *Ecclesiastical History of the English People*, ed. and trans. by Colgrave and Mynors, v. 23.

[14] Kelly, 'Æthelbald (*d*. 757)', pp. 393–95.

[15] S 89.

[16] Keynes, 'The Kingdom of the Mercians in the Eighth Century', p. 7.

[17] 'They are either kings of Mercia, or kings of *Britannia*, or of the English': John, '*Orbis Britanniae*', p. 21.

The Ismere charter itself is an extraordinary statement of Æthelbald's kingship. Surviving as an apparent original, it describes a grant of ten hides on the River Stour, with further land in the Morfe forest for a minster.[18] It is an atypical instrument, dated only by *anno domini* and the indiction, but, unusually for the period, not by the traditional regnal year. Since there are several types of kingship mentioned in the charter, this lack of regnal dating may reflect the scribe's uncertainty as to exactly how Æthelbald's expanding power could be described in formal terms.

Despite the unprecedented scope of Æthelbald's rule, the terminology of the Ismere charter is a blend of traditional concepts in new usage. The royal style 'rex Britanniae' accorded to Æthelbald is otherwise mostly seen in the tenth century.[19] Yet, as Eric John plausibly surmised, it had entered into 'English usage' as a political expression through the writings of Adomnán, which described Oswald of Northumbria as 'Rex totius Britanniae a deo ordinatus' around AD 690.[20] Bede, in his *Historia Ecclesiastica*, also attributed to Oswald rule of 'all the peoples and kingdoms of Britain'.[21] Bede did not, however, credit Æthelbald with the rulership of Britain, only that of peoples 'south of the Humber', possibly because he thought the title reflective of the Northumbrian overlordship of northern British peoples he attributed to Edwin, Oswald, and Oswiu.[22] Otherwise, Bede tended to mean by Britain either the geographical entity or the province under Roman rule.[23] However, the term 'Britain' was also in regular use to describe Canterbury's ecclesiastical overlordship. Archbishop Theodore was described as 'archiepiscopus Britanniae' at the synod of Hatfield. Berhtwald was 'high bishop of Britain' in the *Laws of Ine c.* 695, and in Wealdhere's letter to Berhtwald of 704 x 705, Berhtwald was 'totius Brettanie gubernacula regens'.[24] Rule over Britain was used as an expression of

[18] Hooke, *Worcestershire Anglo-Saxon Charter Bounds*, pp. 61–3.

[19] Wormald, 'The Age of Bede and Æthelbald', p. 73. The only two earlier charters to use *Britanniae* as a term are the spurious S 22 and S 72.

[20] Adomnán, *Life of Saint Columba*, ed. and trans. by Anderson and Anderson, I. 1.

[21] Bede, *Ecclesiastical History of the English People*, ed. and trans. by Colgrave and Mynors, III. 6: 'omnes nationes et provincias Britanniae'.

[22] Bede, *Ecclesiastical History of the English People*, ed. and trans. by Colgrave and Mynors, II. 5. Rulership over Britons was otherwise usually restricted to British kings such as Cadwallon (II. 20).

[23] Higham, *An English Empire*, p. 64.

[24] Laws of Ine, in *The Laws of the Earliest English Kings*, ed. and trans. by Attenborough, pp. 36–60 (Preface). Pierre Chaplais contended that the letter to Berhtwald was original: Chaplais, 'The Letter from Bishop Wealdhere of London to Archbishop Brihtwold of

authority in English ecclesiastical circles and had been explored in the models for kingship offered by the *Historia Ecclesiastica*: it was a term associated with overarching authority, over both churchmen and seculars, and the ecclesiastic who drafted the Ismere charter appears to have known this.

The juxtaposition of an overarching terminology of rule over both the Britons and the South Angles by scribes at Ismere recording the grant of 736 was particularly timely, given the division of the see of Canterbury and the creation of an archbishopric at York in 735. Since the functional capacity of the archbishops of Canterbury north of the Humber had become limited, it would have been easy to assume that the final implementation of Gregory the Great's scheme for two archbishoprics might now proceed without uncertainty. With the end of Canterbury's universal authority as 'archbishopric of all Britain', however, Æthelbald's recent expansion into London loomed even larger. The establishment of the Canterbury archdiocese had underpinned the early mission and conversion, the founding of sees, negotiations with British bishops, and reform councils.[25] The symbolic impact of the division south of the Humber may have been underestimated. Nicholas Brooks pointed out that thereafter archbishops of Canterbury no longer claimed to rule all of Britain.[26] The major recorded exception, significantly, occurred in 799 following Offa's death, when the Canterbury community had exiled their pro-Mercian Archbishop Æthelheard. At a Tamworth meeting which launched the campaign to reinstate him in Kent, Æthelheard attested a charter as 'primatus tocius Britanniæ'.[27] With descriptions of Northumbrian secular lordship over 'Britain' available in the works of Bede and other scholars, the division of the Canterbury archdiocese may have left southern scribes equally free to reattribute this style to Æthelbald.

One alternative would be to suggest that a Mercian or western tradition for the title *rex Britanniae* arose at the Mercian frontier as a claim of power over the Welsh Britons. However, sources for this are limited. On the edge of the westernmost diocese of Hereford a charter for Acton Beauchamp, possibly

Canterbury', text pp. 22–23 (p. 21); Wormald, 'Bede, Bretwaldas and the Origins of the *gens Anglorum*', p. 125.

[25] In particular through the efforts of Archbishop Theodore, see Brooks, *The Early History of the Church of Canterbury*, especially pp. 71–76 for a vital survey.

[26] Brooks, *The Early History of the Church of Canterbury*, p. 83.

[27] S 155.

c. 727, refers to Æthelbald granting land in his own right as 'rex Mercensium'.[28] As the available evidence for a royal lineage ruling west of the Severn seems to suggest it came to an end in Æthelbald's reign, perhaps there was no competing stimulus to elevate Æthelbald's position beyond that of king of the Mercians.[29]

In Mercia too, and in regions more closely under Mercian rule, expressions of Æthelbald's power are predictable. In Mercian-controlled Middlesex and at the 749 synod at Gumley, Leicestershire, Æthelbald gave privileges as *rex Merciorum*, without any attempt to qualify his position.[30] In those grants from the composite early archive of *Medehamstede* [Peterborough]/Breedon which have any claim to a genuine basis, Mercian rulers attested as 'king of the Mercians', although we must be aware that the charters survive in later forms.[31] On this evidence, the impetus for Æthelbald's elaborate styles seems unlikely to have come from Æthelbald himself or from core Mercian areas.

Whether the kingship of the 'south Angles' had a meaningful existence in the 730s can also be questioned. It cannot be assumed that this style expressed Æthelbald's sense of his expanded rule in the 730s or wider southern traditions. Seven charters of Æthelbald remitted tolls at London for the ships of religious communities at Minster-in-Thanet and Rochester, in Kent, for the Bishops of London and in a later Old English translation, for Worcester.[32] Most of these, including charters for Thanet and Rochester, are near-contemporary with the Ismere charter and can be dated to the 730s. None of these toll exemptions refer to Æthelbald as other than 'king of the Mercians'. Even the Worcester toll remission of 743–45 essentially follows this tradition in styles and format. Despite Æthelbald's widening overlordship, the multiple construction of his kingship seems to have no precedent elsewhere in his southern charters.

[28] S 85.

[29] Later legends and Cuthbert of Hereford's recording of epigrams at Worcester both appear to suggest that the *regulus* Milfrith was the last ruler from this kingroup. The epigrams are translated in Sims-Williams, *Religion and Literature in Western England*, p. 342, n. 58; Capper, 'Contested Loyalties', pp. 168–70.

[30] S 100, S 92; Cubitt, *Anglo-Saxon Church Councils*, pp. 112–13. See Capper, 'Contested Loyalties', pp. 109–63.

[31] S 1806 for Æthelred as 'rex Mercianorum', S 233 for Æthelred as 'most Christian king of the Mercians', S 144 and S 1412 for Offa use 'rex Merciorum', S 1803–05 for Æthelred as 'rex Merciæ gentis', a later version of the style, perhaps altered in transmission according to *Charters of Peterborough Abbey*, ed. by Kelly, p. 182.

[32] The corpus of Æthelbald's toll privileges are: S 86 (*c*. 733), S 87 (*c*. 733), and S 91 (*c*. 748) to Minster in Thanet; S 88 (733) to Rochester; S 103a (716 x 745) and S 103b (716 x 745) to the Bishop of London; S 98 (743 x 745) to Worcester (extant only in Old English).

The impetus to explore and explain Æthelbald's position as king seems to lie within the diocese of Worcester. There seems to be a clear transition between the tradition of earlier charters of the Hwiccan rulers, where Oshere grants and Æthelred gives his consent, or where (less reliably) Æthelweard of the Hwicce grants and Coenred of Mercia gives his consent, and the direct granting of land and privileges by Æthelbald.[33] In twenty-four extant charters of Æthelbald which contain royal styles, the need to describe Æthelbald as more than king of Mercia seems only to have been felt in the Hwiccan region. All of those charters which specifically use the term 'ruler of the "South Angles"' are from the Worcester cartularies, with the exception of the Ismere diploma itself, which survives uniquely in a single sheet for the Worcester archive.[34] West Midland charters contemporary to the Ismere charter extend attempts to explore a multi-level approach to Æthelbald's rule: in AD 716 x 737 as 'king not only of the Mercians, but also of all the provinces which are called by the general name South Angles'; in 727 x 736 'king of the land of the South Angles';[35] and the style 'rex australium Anglorum' is dated 716 x 745.[36]

Scribes' particular obsession with a south Anglian identity may thus have had a regional focus, sharpened by Æthelbald's activities on the West Saxon border as well as against the British, and may be explained as an attempt to ascribe a common cause and identity to the Hwicce and the Mercians. At the same time, Æthelbald's move to assert his authority by granting land beyond Mercia in his own right rather than through regional kings, seems to have provoked such varied responses only among the Hwicce themselves and in charters attested by Hwiccan bishops for lands annexed in nearby West Saxon territory. In AD 757, a charter to Glastonbury for lands in Wiltshire also attested by Cynewulf of Wessex and Milred of Worcester describes Æthelbald as 'king not only of the Mercians, but also of the surrounding peoples'.[37] This view is of course prejudiced by the survival of charters. Although Hwiccan kings had

[33] S 52 (Ripple, dated 680). S 54 (Acton, dated 718).

[34] Charters S 89, S 94, S 101, S 102, and S 103; although S 103 is likely to be spurious. Of these, from the dating of witnesses, S 94 and S 101 may have been written prior to the Ismere diploma.

[35] S 94 (716 x 737): 'Non solum Mercensium, sed et universarum provinciarum quæ communi vocabulo dicuntur " Suthengli"'; S 101 (727 x 736): 'rex Suðanglorum terram'.

[36] S 103.

[37] S 96: 'ego Æthilbald rex non solum Mercensium, sed etiam in circuitu populorum quibus me divina dispensatio sine meritorum suffragio præesse' and S 1410 (744), which is much corrupted.

been described as *subreguli* from an earlier date, possibly the 690s, in 736, the description of Æthelbald as king of the South English and 'rex Britanniae' has its counterpart in that of the Hwiccan ruler Æthelric as 'subregulus et comes'. This novel usage constructs their relationship in a complementary fashion. By joining kingship and companionship a common purpose is implied.

It seems likely that we can see in the Worcester archive regional responses to Mercian consolidation: an attempt to admit closer Mercian rule without jeopardizing previous gains from traditional Hwiccan authority. An intense period of Mercian activity in the region in the late 720s–30s included the 733 raid on Somerton in Wessex. Cooperation between Mercians and West Saxons against the 'Britons beyond the Severn' in 726 x 737 is, however, implied in a subscription of Æthelheard of Wessex to an Abingdon charter, predating the Mercian-led joint campaign recorded in the *Anglo-Saxon Chronicle*, s. a. 743.[38] This corrupted charter suggests an underlying grant by Æthelbald again as *rex Merciorum* on the border in Berkshire, which needed confirmation by Æthelheard of Wessex.[39] The meeting, probably at Bensington, Oxfordshire, was witnessed by a mixed group of West Saxon and Mercian bishops, including Wor of Lichfield and Walhstod of Hereford, but without the Hwiccan bishop. Unusual expressions of lordship in Hwiccan charters seemingly coincide with Mercian interventions in and around the territory which put pressure on the influence of Hwiccan royal and ecclesiastical representatives. Simultaneously, Æthelbald's activities in the Hwiccan region may have increased pressure on the local hierarchy in the resolution of disputes. A synod held in 736 x 737 under the authority of Archbishop Nothelm was needed to resolve the contested status of the monastery at Withington, Gloucestershire, apparently held by female members of a branch of the royal lineage, offering protection for the abbess on the condition that her lands reverted to Worcester.[40] As in the Ismere charter, Oshere of the Hwicce witnessed as 'sub-king and retainer [*comes*]' to Æthelbald, but here in the records of an ecclesiastical council Æthelbald is referred to more traditionally as 'rex Mercensium'.[41] Mercian and episcopal

[38] Æthelheard of Wessex subscribes 'in expeditione ultra fluvium Sabrina adversus Britonum gentem', S 93. Susan Kelly observes that the title *Britannnie Anglorum Monarchus* follows a tenth-century model; *Charters of Abingdon Abbey*, ed. by Kelly, 1, 25–6. *Anglo-Saxon Chronicle*, s. a. 743.

[39] *Charters of Abingdon Abbey*, ed. by Kelly, p. 26. The joint subscription to S 93 would foreshadow S 96 (757).

[40] S 1429.

[41] S 1429.

control of the salt trade, Hwiccan episcopal privileges for trade in London and the spread of the London L type sceattas into the West Midlands areas are all economic indicators of this intensification of external power that become evident by the 740s.[42] A tightening of Mercian influence can also be suspected because Osred, another member of the Hwiccan royal kindreds, was described in a torturous phrase as 'of the not ignoble royal stock' of the Hwiccan people, but also as Æthelbald's *minister valde fidelis* in *c*. 737 x 740 (for 743).[43]

Æthelbald clearly developed an expanded sense of his kingship over time, as had those around him, but it cannot be proven that he perceived it in the manner expressed in these West Midlands charters. The differentiation between types of kingship in royal styles, the assertions of the faithfulness and subordination of local kings and the wide rule attributed to Mercian over-kings seem confined to charters from the diocese of Worcester during an intense period of activity in which the Hwicce, and maybe the other peoples along the north shore of the Thames, often interacted with other kingdoms, at times in their own interest, at times in a wider Mercian context, reconciling an independent past with contemplation of a Mercian future. While the charters, unlike our other sources, may have been written within the expanded Mercian realm, we should be aware that regional nuances and distinctions, even between neighbouring houses, offer evidence for local reactions to Mercian influence.

There are very few other cases where a Mercian ruler is recorded as expressing his title in charters with phrases other than *rex Merciorum*, but those of which we are surer also correspond with periods of notable uncertainty. Under Ceolwulf I, the style 'king of the Mercians and of the people of Kent' was twice used in 822–23 in charters of the Christ Church Canterbury archive.[44] Following the dynamic reign of Coenwulf (798–821),[45] his relative and successor King Ceolwulf was 'deprived of his kingdom' in 823.[46] This foreshadowed the sudden collapse of Mercian hegemony in the wider crisis of 823–27, which has been taken to result from some form of incipient Mercian malaise, as 'a predatory power which had enjoyed its time of glory turned in on itself'.[47]

[42] Maddicott, 'London and Droitwich'.

[43] S 99: 'ministro meo valde fideli qui est de stirpe non ignobili prosapia regali gentis Huiccorum'.

[44] S 186 in 822 and S 187 in 823.

[45] Capper, 'Contested Loyalties', 345–413.

[46] *Anglo-Saxon Chronicle*, s. aa. 821, 823.

[47] Keynes, 'King Alfred and the Mercians', pp. 5–6.

A dispute between Coenwulf and Archbishop Wulfred of Canterbury had led to significant disquiet in the last years of Coenwulf's reign: later Kentish charters famously described how after the death of Coenwulf 'many disagreements and innumerable disputes arose', in particular citing the despoiling of churches.[48] Ceolwulf's royal style 'king of the Mercians and of the people of Kent' acknowledged a separate identity for his Kentish and Mercian kingships which might be taken to imply that Ceolwulf's approach to Kentish affairs was to blame for his downfall.

We should, however, attempt to assess kingship as an institution and the individual who held it separately. Simon Keynes has presented Ceolwulf as the first of a group of kings promoted from amongst the ranks of the ealdormen, through a Mercian political system which was fundamentally flawed.[49] Yet Ceolwulf's lesser legitimacy is not easily substantiated across other records: his accession was noted without comment in the *Anglo-Saxon Chronicle*, whilst the successful completion of the Mercian campaign against the Welsh in 822 and his propinquity to Coenwulf, noted in charters, make problems with legitimacy an unlikely cause of his demise.[50] In addition Ceolwulf coordinated a settlement with the archbishop of Canterbury which, by acknowledging his separate kingship over Kent, enabled him to be consecrated king at Archbishop Wulfred's hands in 822, and a grant of land was made on the day of Ceolwulf's coronation, which indicates the support and acknowledgement of the bishops of Lichfield, Leicester, Hereford, and Worcester.[51] A further sign of good faith may have been Mercian acceptance of the election of Archbishop Wulfred's kinsman Wernoth to the important position of Abbot of St Augustine's Canterbury.[52] In a complicated dispute over Bromsgrove, Worcestershire, Ceolwulf negotiated with a number of magnates, including Bishop Heahberht of Worcester, who sought his confirmation of various sorts of privilege and lease. Those assembled on this occasion evidently acknowledged Ceolwulf's authority to resolve these disputes. This memorandum, which survives in an

[48] S 1435. For further discussion see Keynes, 'Mercia and Wessex in the Ninth Century'.

[49] Keynes, 'King Alfred and the Mercians', p. 5, n. 17.

[50] *Annales Cambriae*, ed. and trans. by Dumville, s. a. 822; S 186 (822). Kirby prefers to see this victory as occurring under Beornwulf, whom he describes as a 'man of action': Kirby, *The Earliest English Kings*, pp. 154–55. However, Beornwulf's successes seem to have been mixed and I see no reliable reason to alter the chronology.

[51] S 177.

[52] Brooks, *The Early History of the Church of Canterbury*, p. 197.

old English text from the Worcester Archive, refers to Ceolwulf as 'rex', but unfortunately does not record the king's full title.[53]

There is only one precedent which foreshadows Ceolwulf's use of the style 'King of the Mercians and the people of Kent': Coenwulf had installed his brother Cuthred as king under him in Kent from 798 until the latter's death in 807. Soon after Cuthred's death, as direct rule was being enforced by Coenwulf, one charter of 809, again from Christ Church Canterbury, acknowledged Coenwulf as 'King of Mercia and of the province of Kent', with the proceedings confirmed by a Kentish assembly in 810.[54] Although he allowed devolved discussion and confirmation of Kentish business, Coenwulf's use of this title following the reassertion of his rule in Kent was unprecedented and not repeated in other known records, in Kent or elsewhere. Thus while the cause of Ceolwulf's deposition remains unknown, neither the practice of recognizing a separate forum to facilitate Mercian engagement with Kentish affairs, as his predecessor had done, nor his altered title in these charters from a Kentish archive, necessarily mean that his deposition resulted from Kentish tensions alone. Moreover, we cannot assume that this usage was consistent across all media, since one of the Canterbury moneyers minted for Ceolwulf as CIOLVVLF REX MERCI, which could be a contraction of either style.[55] Instead, we should assess this more carefully among wider signals of instability in Ceolwulf's rule, such as the fluctuations of his early coinage,[56] or the possibility that the attestation of Sigered in 822 as first among Ceolwulf's followers indicates a re-emergence of the East Saxon royal lineage.[57] The attestation of the future King Beornwulf in Ceolwulf's charters may be less significant than other events such as the kill-

[53] S 1432.

[54] S 164, for Kentish regional governance see Keynes, 'The Control of Kent in the Ninth Century'.

[55] *Corpus of Early Medieval Coin Finds*, EMC 1997.0119. For wider comparison of charter and coin styles, see Capper, 'Contested Loyalties'. East Anglian coins of Ceolwulf I bear the usual contraction 'rex M-', e.g., *Corpus of Early Medieval Coin Finds*, EMC 1963.0014.

[56] Rory Naismith (pers. comm.) has however suggested to me that the rarity of Ceolwulf's coinage suggests that moneyers in Kent may not have been strongly disposed to strike in Ceolwulf's name. His coinage was, however, produced at all the major mints, with examples from London (*Corpus of Early Medieval Coin Finds*, EMC 1992.7645), Canterbury (EMC 1997.0119), Rochester (EMC 2006.0208|) and East Anglia (EMC 1963.0014); cf. Naismith, *Money and Power in Anglo-Saxon England*, pp. 153–54. I would also like to thank Dr Naismith for access to and discussion of his master's thesis on the coinage of Coenwulf.

[57] S 186.

ing of ealdormen Muca and Burghelm, recorded in the *Anglo-Saxon Chronicle*, s. a. 824, from which we might infer that Ceolwulf's deposition was an internal Mercian matter. We should acknowledge in more general terms the possibility of disruption in East Anglia and other regions not evident in our limited written sources.[58]

The third, and most notable example of a group of charters which deviate, and in an extremely erratic fashion, from the *rex Merciorum* style are the charters of the last native ruler, Æthelred (d. 911) during the Viking invasions. Although his predecessor King Ceolwulf II of Mercia was famously described as a 'foolish king's thegn' in the *Anglo-Saxon Chronicle* for 874, there is no real evidence that he was less than a king. Despite heavy Danish incursions into Mercian territory, charters of 875 in the Worcester archive refer to Ceolwulf II as '*Rex Merciorum*' and even after the division of the Mercian kingdom in 877, a cross-and-lozenge coinage was struck in collaboration with King Alfred of Wessex with the title 'Ceolwulf Rex'.[59] By contrast, during and after the submission of the Mercians to Alfred, Æthelred of Mercia had as many as ten principal elements in the styles known from his charters and other sources, which in charters were often used in tandem.[60] Æthelred may at first have been referred to as king; he was thus recorded in the Worcester kinglist, and in annals for the 890s in Æthelweard's *Chronicle*, which may have a West Country or Mercian focus.[61] There is no evidence that Æthelred was ever able to issue a royal coinage, however, which by this time was a key Mercian royal prerogative. In his charters following his alliance to King Alfred, he has various royal and non-royal titles: ealdorman,[62]

[58] Muca appears in S 186 and S 187, Beornwulf in S 187.

[59] A charter from the bishopric of Worcester offering exemption in return for liturgical services for King Ceolwulf and his successors, S 215, included a four-life lease to the king; see also S 216. See Blackburn, 'Alfred's Coinage Reforms in Context'. *Corpus of Early Medieval Coin Finds*, presently includes four examples of Ceolwulf II coins by four different moneyers: EMC 1002.0381, 1020.0638, 1026.0001, 1999.0052, 2001.0805, 2004.0009, 2005.0108.

[60] Some records such as S 1446 include no title. The submission is recorded in *Anglo-Saxon Chronicle*, s. a. 886, and Asser, *Life of King Alfred*, ed. by William Henry Stevenson, c. 83, p. 69. For discussion of the circumstances of the submission see Keynes, 'King Alfred and the Mercians', and bibliography therein.

[61] Hemingus, *Chartularium Ecclesiae Wigorniensis*, ed. by Hearne, II, p. 369; Æthelweard, *The Chronicle of Æthelweard*, ed. by Campbell, IV. 3 for 893.

[62] S 218, S 223, S 1441, see also *Anglo-Saxon Chronicle*, s. aa. 886, 893.

subregulus,[63] *procurator*,[64] *dominator*,[65] *gubernator*,[66] *monarchus*,[67] *patricius*,[68] and especially but not exclusively outside Mercian territory, *dux*.[69]

Uncertainty over royal identity is unsurprising in a kingdom which had been carved in two in 877. Moreover, the likely confirmation of Watling Street as a boundary with the Danes soon after was perhaps calculated to neutralize the authority of royal sites in the old Mercian heartland.[70] The bishopric of Lichfield and the 'villa regalis' at Tamworth were peripheral to the remnant of the English Mercian polity, while Repton had already been occupied and remodelled by the Danish Army in 873/4.[71] Coinage issued from London and other sites in English Mercia was issued in King Alfred's name (or in the Danelaw in imitation). Despite the fragmentation of Æthelred's styles, however, in charters from Worcester there may still be significance in the fluctuating perceptions of Mercian rule. Accorded one year in the Worcester kinglist,[72] Æthelred first appeared in charters there in 883, by which time it seems he had already acknowledged Alfred as his overlord since he is described as 'ealdorman' granting with 'the consent of King Alfred and the whole Mercian *witan*'.[73] However, the use of dual titles again implies that he was known to be more than an ealdorman, in the same way that as 'rex Angulsaxonum' Alfred was acknowledged as more than king of the Saxons;[74] Æthelred was credited with

[63] S 346.

[64] S 220.

[65] S 361, a posthumous reference in a charter of Edward the Elder; cf. S 1446, similarly, where Æthelred is *mrycna hlaford*.

[66] S 221.

[67] S 221.

[68] S 217, S 346.

[69] S 222.

[70] Although the terms of the original division are unknown and the Alfred/Guthrum Treaty only seems to discuss the boundary up to Watling Street, the place name evidence suggests that this remained, broadly, the boundary of Scandinavian settlement: see, for example, the map of Scandinavian place names in Richards, *Viking Age England*, p. 34. For analysis of the Treaty, Kershaw, 'The Alfred-Guthrum Treaty'.

[71] Biddle and Biddle, 'Repton and the "great heathen army"'. There is not room here for a full discussion of the division/s of Mercia and potential alternatives for Mercian kingship there, see Capper, 'Contested Loyalties', pp. 486–91.

[72] Hemingus, *Chartularium Ecclesiae Wigorniensis*, ed. by Hearne, II, 369.

[73] S 218.

[74] The multiple styles used by Alfred have been analysed in full in Asser, *Life of Alfred*, trans.

'principatum et dominium' in a Worcester charter of 884 and was called 'dux et patricius' in another probably for 887.[75] Soon after Alfred's restoration of London to the Mercians, it seems significant that although the *Anglo-Saxon Chronicle* records the submission of the English to Alfred and the granting of London to 'Ealdorman Æthelred', s. a. 886, the Worcester cartulary continued to elaborate the styles of both parties. In a grant by Alfred 'King of the Angles and the Saxons' to Worcester, Æthelred is referred to as 'subregulus et patricius' in 889, suggesting perhaps that some Mercians at least still perceived Æthelred as quasi-royal.[76] Although in 897 Æthelred was able to mediate a dispute over lands belonging to the Mercian royal monastery of Winchcombe, here it was Alfred, not Æthelred, to whom royal status was accorded.[77] In contrast, during the reign of Alfred's son Edward the Elder, the Mercian rulers Æthelred and Æthelflaed came to act with increasing independence and security in Mercian charters as 'lord and lady of the Mercians', thereby sidestepping the need to claim specific titles to kingship.[78]

Despite Offa's power, florid diplomatic courtesies such as Alcuin's letter to Offa as 'the glory of Britain' indicate only the usages of the early Anglo-Saxon church.[79] However, Mercian overlordship was a protean and recursive concept. Although the lesson of recent years of scholarship is one of caution, variation, and proliferation of charter styles may be indicative of tensions which should not pass without comment. As Mercian control extended over new regions, this led to change and adaptation. Cultural, economic, and diplomatic priorities were moulded and remoulded, with resultant changes in zones of religious interaction, trade, defence, and strategic responsibilities. As the royal style of *rex Merciorum* was largely consistent, inconsistency is likely to indicate extraordinary circumstances and uncertainty on the part of the houses which produced the documents. Variation between regions in the styles of Mercian kings and other signatories probably reflects the impact of changes in Mercian rule at a local level, rather than a template provided by Mercian kings. As Mercian rulers took over rights to grant land, the institutions which recorded this process

by Keynes and Lapidge, pp. 34–39; see also Foot, 'The Making of *Angelcynn*'.

[75] S 219, S 217.

[76] 'Rex Anglorum et Saxonum', S 346 (889); *Anglo-Saxon Chronicle*, s. a. 886.

[77] S 1442 for Winchcombe.

[78] Pauline Stafford observes that, from a distance, at her death the *Annales Cambriae* and *Annals of Ulster* refer to Æthelflæd as 'regina': Stafford, 'Political Women in Mercia', p. 46.

[79] 'Alcuini', no. 64.

in their charters were perhaps motivated to define more carefully the long-term authority of Mercian overlords than were the kings themselves, for whom 'rex Merciorum' seems to have been sufficient. In particular, where the future of royal authority was uncertain or assumed new dimensions, complex formulae are likely to signal experimentation by charter recipients as a response. Despite the invasions of the early 870s, the charters suggest that even Ceolwulf II retained Mercian kingly authority. Once Mercian royal powers were circumscribed from the 880s, however, Æthelred's charter styles initially fragmented in a similar manner to that experienced by Hwiccan rulers in the early eighth century. Variation between regions is still worthy of note and the appearance of new titles as Lord and Lady of the Mercians suggests that innovation was the Mercian response.

What then is the significance of eighth- and ninth-century charter styles? We see more direct evidence of royal intent where the new royal styles appear across multiple archives, as in the well-known case of King Alfred.[80] Given that the local and personal structures of power in early ninth-century Mercia differed greatly from those in the Mercia of the mid-seventh century, it is worthy of note that at the height of their powers from the 790s Mercian kings did not seem to consider innovation in their titles a priority. At the level where their power was experienced, however, as we have seen, divergences in charter styles show considerable complexity in responses to the imposition of lordship. The extent of this complexity varied from area to area, and each variation has something to tell us: it is as useful to note that scribes from the London region were consistent in following traditional Mercian royal styles as it is to question why the Hwiccan scribes were not.

There are, however, implications beyond the scribes. Their efforts were presumably made not just because of their own uncertainties but to satisfy the concerns of the documents' readers and users. Their tentative solutions to the problem therefore reflect an uncertainty in the wider community among whom the documents were expected to operate, an uncertainty that the scribes' formulations were presumably intended partly to allay. In that way the writers of such documents did represent the imposition of a central power in a locality, but not necessarily as that power would have written it. This makes generalization from such evidence dangerous without caution about whose perspective we are using. Failure to consider questions of production and authorship in the char-

[80] Variations on the style 'King of the Angles and Saxons' appear across six archives; Keynes, 'King Alfred and the Mercians', p. 217.

ters leaves us with a restricted view of Mercian overkingship writ large in the concerns of only a portion of its subjects.

One should ask, then, finally, if, given such notable changes in the scope of Mercian activity, there was the potential for Mercian overlords to see themselves and be seen as more than kings of Mercia. There is indeed other evidence of uncertainty and experimentation in the interpretation of Mercian rulership, as is implied by a Mercian charter for Westbury-on-Trym, 'ego Offa rex a rege regum constitutus'.[81] There is no space here to discuss this in full, but the evidence of coin styles provides an interesting counterpoint to the language of charters. Offa's London light coinage of the 880s bearing the legend O/F||R/A seems likely to indicate a legitimate short-lived flirtation with the style *rex Anglorum*.[82] Echoes of a similar tradition in the charter styles could perhaps now also be considered seriously, although without endorsing Stenton's view that these referred to lordship beyond the Humber.[83] To secure his legacy beyond doubt, however, in 787 Offa's son Ecgfrith could only be anointed as *rex Merciorum* and most likely this act was influential in reinforcing the stability of charter styles naming the king as *rex Merciorum*. Where there is variation in charter traditions, all the same, it can still tell us a great deal about how the exercise of royal power and ideology was received by the Mercian community.

[81] 'I Offa, king established by the King of Kings': S 139 (793 x 796).

[82] Derek Chick has argued that the 'OFRA' representation is legitimate based on the orientation of the inscription: Chick, 'The Coinage of Offa in the Light of Recent Discoveries', p. 120.

[83] Stenton, 'The Supremacy of the Mercian Kings', pp. 446–48, this is discussed more fully in Capper, 'Contested Loyalties', pp. 322–27.

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Lothar I in Italy, 834–40: Charters and Authority

Elina Screen*

Charlemagne's seizure of the Lombard kingdom in 774 marked the start of over a century of Carolingian rule in Italy. The conquest gradually introduced a new Frankish political elite into the former Lombard kingdom, adding a new layer to already complex local interests.[1] In 834, this process was intensified with the arrival in Italy of Emperor Lothar I (b. *c*. 795–d. 855) and his group of Frankish supporters.[2] In 833–34, Lothar had briefly deposed his father, Emperor Louis the Pious, after five years of rising tensions at the Frankish court. When Louis regained control in 834, Lothar was sent across the Alps, effectively into exile.[3] Relations between father and son reached their nadir in 837, and Louis and Lothar were not finally reconciled until 839, when Lothar regained his place in Louis's succession plans for the Frankish empire.[4] Despite the significant changes in personnel during 834–40, these Italian years of Lothar's have been comparatively neglected. Jörg Jarnut's important essay

* I am grateful to Jonathan Jarrett and the anonymous reader for their comments.

[1] For a good account of this period, see Wickham, *Early Medieval Italy*. See e.g. Costambeys, *Power and Patronage in Early Medieval Italy*, for the interplay of Farfa, the local aristocracy, and papal and Frankish influence in the Sabina. On Franks in Italy, see Hlawitschka, *Franken, Alemannen, Bayern und Burgunder in Oberitalien*.

[2] Jarnut, 'Ludwig der Fromme, Lothar I. und das Regnum Italiae', pp. 359–60 of the original.

[3] On this period, see de Jong, *The Penitential State*.

[4] *Annales de Saint-Bertin*, ed. by Grat and others, translated as *The Annals of St-Bertin*, trans. by Nelson, s. a. 837, 839.

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surveying all Lothar's visits to Italy remains the most extensive analysis.[5] The period has also been discussed briefly by Egon Boshof, Philippe Depreux, and Mayke de Jong, among others, and examined from Louis the Pious's perspective by Janet Nelson, who demonstrates that Louis was successful in regaining his authority and able to assert his will in the matter of the succession: '[a]fter 834, Lothar's resistance [to Charles the Bald's inheritance] was broken'.[6]

The relative scholarly neglect of Lothar's Italian kingdom in 834–40 stems partly from the limited source material available from this period: Lothar issued no capitularies, the *Liber Pontificalis* does not mention him, and Agnellus of Ravenna has only one anecdote concerning Lothar at this time.[7] The Frankish narrative sources have more, particularly the *Annals of St-Bertin* and the *Lives* of Louis the Pious by Thegan and the Astronomer, but these tend to offer Louis the Pious's perspective on events at a time when his relations with Lothar were particularly poor.[8] The twenty-two surviving charters issued by Lothar between his return to Italy in 834 and Louis the Pious's death in June 840 thus are particularly important both for understanding how Lothar established his authority in Italy and provided for some of his supporters, and for reconstructing Lothar's perspective upon events.[9] They reveal how Lothar 'settled for making something of his Italian realm', as Janet Nelson noted, and provide a more nuanced picture of the relationship between Lothar and Louis the Pious in these years.[10]

Carolingian royal diplomata were produced by notaries and scribes, generally under the supervision of an archchancellor, who was a close supporter of the ruler.[11] The charters are therefore products of Lothar's court circle, and their use

[5] Jarnut, 'Ludwig der Fromme, Lothar I. und das Regnum Italiae', pp. 357–62. Jarnut sees 829 as the caesura in Lothar's career, whereas I would place this in 833.

[6] Boshof, 'Kaiser Lothar I.', pp. 29–32; Depreux, *Prosopographie de l'entourage de Louis le Pieux*, no. 191, 'Lothaire', pp. 298–314 (pp. 313–14); Nelson, 'The Last Years of Louis the Pious', p. 151, and de Jong, *The Penitential State*, pp. 52–58.

[7] *Le Liber pontificalis*, ed. by Duchesne; Agnellus of Ravenna, *Liber Pontificalis Ecclesiae Ravennatis*, ed. by Deliyannis, c. 171, pp. 351; on the capitularies, see pp. 240–41 below. The question of Lothar's relations with the papacy must remain outside the scope of this study.

[8] For a good discussion of the sources for this period, see de Jong, *The Penitential State*, pp. 59–111.

[9] *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer.

[10] Nelson, 'The Last Years of Louis the Pious', p. 151.

[11] On Carolingian diplomata, see Bautier, 'La chancellerie et les actes royaux'. A small number of Lothar's charters were written by recipients such as St-Denis (*Die Urkunden Lothars I.*

of royal titles and selection of clauses expressing motivation or seeking prayers cast important light upon the messages Lothar's circle sought to send to all those who read and heard the charters.[12] The content of the charters (the type of grant or confirmation, identity of the recipients, and location of lands granted) is very informative too, especially where we have other information about the people and institutions involved in individual grants. While occasionally charters were issued through royal initiative, in the main, charters responded to requests made by the recipients, and therefore acted as a barometer for the political appeal of the issuer.[13] The production of charters and the development of the chancery may also be fruitfully considered, especially since eleven of Lothar's charters from this period survive in the original, providing much evidence for his administrative practices. There are also some references to lost charters of Lothar's, one of which may be dated to this period. Lothar's charters from the years 834 to 840 therefore provide important evidence for an otherwise ill-attested period (see Table 4 for a list of the charters discussed in the text).

Charters and Status

Questions of Lothar's status in relation to Louis the Pious have tended to dominate discussions of this period. According to the *Annals of St-Bertin*, in 834 Louis granted Lothar Italy 'just as Pippin, the lord emperor's brother, had held it in the time of the Lord Charles'.[14] As Philippe Depreux has suggested, this implies Lothar now became subking of Italy, with responsibility for protecting the Roman church, while Louis retained the right to some sort of oversight of Lothar.[15] This is borne out by Louis's actions, such as his demand in 836 that Lothar send envoys to hear 'what his father's wishes were in regard to him'.[16]

und Lothars II., ed. by Schieffer, doc. no. 80) and Lyons (*Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, doc. nos 117, 120, 124–26) and presented to the ruler ready-written, but none of the charters discussed here belong in this group.

[12] See Garipzanov, *Symbolic Language of Authority in the Carolingian World*, on rulers' communication through charters and other materials, and Kikuchi, this volume.

[13] Mersiowsky, 'Towards a Reappraisal of Carolingian Sovereign Charters', pp. 22–23; Screen, 'The Importance of the Emperor', pp. 32–33.

[14] *Annales de Saint-Bertin*, ed. by Grat and others, s. a. 834, 'et Hlothario quidem Italiam, sicut tempore domni Karoli Pippinus, germanus domni imperatoris, habuerat, concessit'; trans. *The Annals of St-Bertin*, trans. by Nelson, p. 31.

[15] Depreux, *Prosopographie de l'entourage de Louis le Pieux*, p. 313.

[16] *Annales de Saint-Bertin*, ed. by Grat and others, s. a. 836: 'ut suos [...] legatos ad patrem

Table 4. List of Lothar's charters, 834–40. * marks documents surviving in the original single-sheet form. One *deperditum* (a lost charter known through references in later documents) is included in italics.

22 (25.6.834)*	Santa Maria Theodota, Pavia: grant of rights
23 (24.1.835)*	Sant'Ambrogio, Milan: grant of land in memory of Hugh, son of Hugh
24 (21.2.835)*	Montecassino: grant of land
25 (7.3.835)	Cremona: frees from transport duties for chamber
26 (5.5.835)*	Sant'Ambrogio, Milan: confirmation of lands; grants free election of abbot
27 (8.5.835)	Sant'Ambrogio, Milan: repeats grant of land in memory of Hugh
155 (*deperditum*, 835?)	*Sant'Ambrogio, Milan: confirmation of immunity*
28 (6.10.835)*	Arezzo: grants church of St Peter in Arezzo
29 (10.8.836)	Ava (Lothar's mother-in-law): grant of curtis Locate
30 (13.1.837)	Penne: grant of immunity
31 (27.1.837)*	Nonantola: grant of land
32 (3.2.837)*	Nonantola: grants free election of abbot
33 (27.10.837)	Monteamiata: confirmation of immunity
34 (9.11.837)*	Piacenza: right of inquisition granted
35 (15.12.837)	San Salvatore, Brescia: confirmation of lands; grants free election of abbess
36 (4.2.838)	Santa Cristina, Olona: confirmation of immunity and royal protection
37 (4.5.839)*	Erembert (*fidelis*): grant of land
38 (6.5.839)*	Santa Maria Theodota, Pavia: grant of land and confirmation of exchange
39 (8.5.839)	Sant'Ilario: grant of land (charter reworked)
40 (17.8.839)	Reggio: confirmation of immunity and protection; right of inquisition (interpolated)
41 (19.2.840)	Novara: grant of monastery of Lucedio (interpolated)
42 (uncertain date)	Novara: right of inquisition
43 (840?)*	Bergamo: right of inquisition

The numismatic evidence confirms that Louis continued to hold rights in Italy: the Italian mints apparently continued to strike coins in the name of Louis the Pious, and Lothar did not mint coins in Italy in his own name.[17] On the other hand, the fact that Louis the Pious issued no charters for Italian recipients

diriget [...] qui paternam erga illum uoluntatem audire sibique fideliter nuntiare ualerent'; trans. *The Annals of St-Bertin*, trans. by Nelson, p. 34.

[17] Coupland, 'Money and Coinage under Louis the Pious', p. 48.

in these years points to the considerable autonomy Lothar enjoyed.[18] Mayke de Jong also notes Lothar's ability to refuse to come to Francia, suggesting that this may have been 'not just a sign of his dutiful concentration on Italy, but also a gesture of defiance'.[19] For Jarnut, by the end of this period, Lothar was effectively the first *imperator Italiae*, holding an autonomous position within an 'isolated' and increasingly distinctive Italy.[20] Analysing the charter evidence brings out the contrast between Louis the Pious's assertion of certain rights over Italy, and his ability to determine the succession, and Lothar's continued claims to autonomy in the forum of his charters and at times in his actions.

Although after 834 Lothar defiantly continued to use the full imperial title he had adopted upon taking power in 833, the pattern of Lothar's surviving charters up to 840 does suggest certain restrictions upon his position and hint at the problems he faced in establishing himself in Italy.[21] First of all, there is the absence of charters of confirmation. Carolingian rulers generally issued confirmation charters upon commencing independent rule.[22] Lothar's charters in Francia in 833 and 840 follow this pattern; in contrast, there is no such clear body of confirmations from Italy after 834.[23] Second, there is considerable variation in the recording of Lothar's imperial years in the dating clause, at a time when the wording of charters was generally consistent. This suggests some uncertainty in the chancery, and presumably therefore on the part of Lothar and his advisors also, regarding which date — each with differing political resonances — should be used.[24] Overall, however, the charters show that adminis-

[18] See Kölzer, *Kaiser Ludwig der Fromme*, which includes a list of Louis's charters as an appendix.

[19] de Jong, *The Penitential State*, p. 54.

[20] Jarnut, 'Ludwig der Fromme, Lothar I. und das Regnum Italiae', p. 361, on the 'Abkapselung' of the Italian kingdom under Lothar, leading to a distinctive *regnum Italiae* gradually emerging from the *regnum Langobardorum*, p. 362.

[21] 'Hlotharius divina ordinante providentia imperator augustus', in contrast to his earlier title, 'Hlotharius augustus invictissimi domni imperatoris Hludowici filius', which acknowledged Louis's authority and legitimated Lothar's power through his relationship with his father: see *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, p. 6.

[22] See now Koziol, *The Politics of Memory and Identity*, pp. 63–118, on 'accession acts' and 'succession acts'. Unfortunately this work appeared too late for its arguments to be taken fully into account here.

[23] Thegan of Trier, *Gesta Hludowici imperatoris*, ed. by Tremp, c. 10, p. 192; Screen, 'The Importance of the Emperor', p. 34, and Screen, 'The Reign of Lothar I', p. 305.

[24] The charters with date clauses calculate Lothar's imperial years from 817 (*Die Urkunden*

tratively Lothar's chancery stabilized, as Theodor Schieffer, editor of the charters, noted. From charter 23 onwards, an archchancellor, Agilmar, appears after the long absence of such an official.[25] The palaeographic evidence meanwhile suggests that a smaller group of notaries had access to a rather larger pool of scribes in drawing up the charter texts.[26]

Finally, while charters were issued much more regularly from 834, hiatuses in charter preservation remain: six months elapsed between the first two surviving charters Lothar issued, in June 834 and January 835; almost a year between charters 28 and 29 in 835–36; and over a year between charters 36 and 37 in 838–39. Although such gaps might be attributed to uneven survival, the absence of charters may also be politically significant, and indicate uncertainty regarding a ruler's legitimacy or prospects.[27] In Lothar's case the relative strength of documentary preservation in Italy, and the charters' preservation across a range of institutions,[28] suggest that here we may see something more: potential recipients' lack of interest in turning to Lothar. The first of these breaks could plausibly reflect the challenges in obtaining local support that Lothar experienced on his somewhat ignominious return to Italy in 834, when he also faced the challenge of finding lands for his supporters.

Lothars I. und Lothars II., ed. by Schieffer, doc. nos 26, 27), 818 (24, 25, 28, 29), 819 (30–35, 41), 820 (37–38, 40), 821 (39) and 823 (23, 36), of which 817 would refer to the *Ordinatio Imperii*, 818 to Bernard's death, 820 to standard practice in Italian private charters and 823 to Lothar's coronation by the pope. See *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, pp. 46–47 on the 'unholy confusion' of the date clauses, and pp. 21–24 on the otherwise well-controlled diplomatic under the leading notary Ructemir. See Kikuchi, this volume, on the question of royal control.

[25] *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, p. 93; see also Jarnut, 'Ludwig der Fromme, Lothar I. und das Regnum Italiae', pp. 358, on the stabilization of the chancery.

[26] Screen, 'The Reign of Lothar I', pp. 70–71, 100–01.

[27] See Screen, 'The Importance of the Emperor', p. 40, on the significant dip in 842 in Lothar's charters; the distribution of Charles the Bald's charters before, during and after Louis the German's invasion of West Francia in 858 is another example of this phenomenon.

[28] The eleven originals are preserved in Arezzo, Bergamo, Milan, Montecassino, Nonantola, Parma, and Piacenza; the others at Brescia, Milan, Monza, and Reggio (tenth-century copies), Novara (tenth-century rotulus), Cremona (thirteenth-century Codex Sicardianus), Siena (thirteenth-century copies), Venice (fifteenth-century copy), and Penne and Paris (early modern transcripts): see *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer.

Settlement and Consolidation

In 834, large numbers of men loyal to Lothar chose to accompany him into exile in Italy, including Wala, the former abbot of Corbie, Bishop Jesse of Amiens, and laymen including Richard, Louis the Pious's former doorkeeper, and Counts Hugh of Tours and Matfrid of Orléans.[29] Lothar had to find ways to establish his exiled supporters in Italy, and the charters help show this process. Agilmar, the former abbot of St Oyend-de-Joux, became Lothar's archchancellor.[30] Hugh of Tours and his family seem to have been established in the area of Milan: Lothar's grant of the *curtis* of Locate in the Milan area to Hugh's wife Ava, and Hugh and Ava's eventual burial at Monza, a little to the north of Milan (recorded in the Monza necrology), testify to a connection with this area.[31] While the departure of some of Louis's supporters for Francia freed up a few benefices, Lothar had to turn to church lands to find the resources for others.[32] The monastery of Bobbio was granted to Wala and charter 40 reveals that possessions of the church of Reggio were alienated to Richard.[33] Lothar was admonished by Louis the Pious in 836 for his supporters' appropriation of Italian property belonging to churches in Francia.[34] These included the lands belonging to St-Denis in the strategically important Valtellines, which Lothar had granted to Matfrid of Orléans.[35] Louis's growing concern regarding the loss of church lands may have been related to the independent position that Lothar was building up in Italy.[36]

[29] Astronomer, *Vita Hludowici imperatoris*, ed. by Tremp, c. 56, pp. 512–14, provides further names; see Hlawitschka, *Franken, Alemannen, Bayern und Burgunder in Oberitalien*, p. 55, for a useful summary of the lands granted to Lothar's key supporters.

[30] *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, p. 18.

[31] Grant to Ava: *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, doc. no. 29; see Hlawitschka, *Franken, Alemannen, Bayern und Burgunder in Oberitalien*, pp. 221–22, on Hugh and Ava. Hugh died on 20 October 837.

[32] *Annales de Saint-Bertin*, ed. by Grat and others, s. a. 836, p. 19.

[33] Wala: Radbertus, *Epitaphium Arsenii*, ed. by Dümmler, II. 20–21, pp. 90–92, at p. 92, and Hlawitschka, *Franken, Alemannen, Bayern und Burgunder in Oberitalien*, p. 55; Richard: *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, doc. no. 40, and Depreux, *Prosopographie de l'entourage de Louis le Pieux*, no. 232, 'Richard (III)', pp. 363–65.

[34] *Annales de Saint-Bertin*, ed. by Grat and others, s. a. 836.

[35] *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, doc. no. 100; Screen, 'The Reign of Lothar I', pp. 301–02.

[36] de Jong, *The Penitential State*, p. 54; Marios Costambeys, pers. comm.

It is also striking that many of the earliest charters in 834–35 are for institutions closely connected with Lothar and his key supporters, especially the Etichonid family of his wife, Irmingard: others may have taken longer to turn to Lothar. Lothar's three charters for Sant'Ambrogio di Milan are of particular interest in this regard. All were issued in Pavia in February and May of 835, suggesting the *deperditum* (155) confirming the monastery's immunity was probably also issued at this time. Two are typical grants: in 26, Lothar confirms Archbishop Engelbert's grant to the monastery and awards the monks the right of free election of abbots, and 155, the lost charter, seems to have been a standard confirmation of immunity for the monastery. The other two charters, 23 and 27, are more unusual. In these, Lothar's *dilecta coniunx* ('beloved wife') Irmingard requests Lothar to make grants to Sant'Ambrogio in commemoration of her dead younger brother Hugh. Lothar accordingly made the *curtis* of Limonta over to the monastery, to provide lights (23, 27) and church decorations (23), for prayers for Hugh and for his own spiritual reward.[37] In all, these charters, together with the grant of the *curtis* of Locate to Ava in 836, suggest the closeness and significance of Irmingard's family to Lothar after 834.

It is perhaps surprising that Sant'Ambrogio did not attract more sustained patronage by Lothar, given its prominence and location in the north of Italy, where his itinerary was concentrated.[38] Lothar's attention seems to have been directed there by his wife's family, now settled in the Milan area, who chose to commemorate Irmingard's brother Hugh at the monastery. This points towards another potential challenge for Lothar: the dynastic history which marked the Italian political landscape. Sant'Ambrogio was the burial place of the late subkings Pippin and his son Bernard of Italy, and after Bernard's rebellion, blinding, and death in 818, an inscription commemorating Bernard was put up in Sant'Ambrogio by the high altar, suggesting a strong memory of the king there.[39] Nelson has suggested that in similar circumstances, for much of his reign Charlemagne carefully ignored St-Rémi, Rheims, where his brother Carloman was buried.[40] Bernard's queen Kunigund herself was alive and living in Italy, and memories of the dead subking would have remained strong in parts of Carolingian Italy at least.[41] The practical impact of these connections and

[37] On the gift of lights, see Fouracre, 'Eternal Light and Earthly Needs'.

[38] Jarnut, 'Ludwig der Fromme, Lothar I. und das Regnum Italiae', pp. 357–58.

[39] I am very grateful to Joanna Story for this information.

[40] Nelson, 'Carolingian Royal Funerals', p. 151.

[41] Kunigund can be placed at Parma through the donation she made, attested by the local

memories is not clear, given the limited evidence, but they are worth bearing in mind. The charters suggest that Lothar did not attempt a close personal association with the church where his murdered predecessor was so prominently commemorated.

The charters also tell us about Lothar's deployment of ecclesiastical patronage. Lothar is recorded making a relatively large number of grants to churches: particularly favoured were Santa Maria Theodota in Pavia and Nonantola, with two grants each in this period.[42] The 830s seem also to have seen a subtle change in Lothar's giving to Italian churches and monasteries, reflecting his increased political credibility. While up to 833, Lothar's giving had concentrated on recipients to the north of the Po river, with Farfa and Nonantola the only outliers, after 834 Lothar made more grants to the south of the Po, including Monteamiata and Penne, and perhaps also San Vincenzo al Volturno if we consider the *deperdita*.[43] From Lothar's perspective, establishing connections with key monasteries and churches provided the openings to intervene in the complicated politics of Italy at a local level, as Marios Costambeys and Geoff West have shown.[44] All in all, the map of recipients suggests that Lothar's 'reach' extended over the course of his period as a resident ruler. In this respect, the grant to the important monastery of Montecassino may be significant as a turning point in the process by which Lothar established himself in Italy. Abbot Autpert's embassy to Lothar in 835 was an explicit acknowledgement of his authority, and suggests that in the later 830s Italian churchmen felt that, whatever the state of Lothar's relations with Louis the Pious, he had something useful to offer them. Agnellus of Ravenna emphasizes the anxiety of George, the new archbishop of Ravenna, to establish a personal connection with Lothar

count, Adelgisus, on 15 June 835, granting lands to the monasteries of Mary and Alexander, and of Bartholemew in Parma: Hlawitschka, *Franken, Alemannen, Bayern und Burgunder in Oberitalien*, pp. 110, and 50–51 on sympathetic memories of Bernard.

[42] In addition to *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, doc. nos 22 and 38, in this period, Santa Maria Theodota also received charters *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, doc. nos 12 (17.4.833) and 59 (20.7.841) from Lothar; on Nonantola, see pp. 243–45 below.

[43] Jarnut, 'Ludwig der Fromme, Lothar I. und das Regnum Italiae', pp. 358; Screen, 'The Reign of Lothar I', pp. 286–87. San Vincenzo: *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, doc. no. 185. Schieffer dates this *deperditum* '822–25, 829–50' (*Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, p. 348), but the later 830s or early 840s seem to me the most plausible context for its issue.

[44] Costambeys, *Power and Patronage in Early Medieval Italy*, and West, 'Charlemagne's Involvement in Central and Southern Italy'.

through spiritual co-parenthood: in 837, George 'paid out great wealth [...] so that he might raise the daughter of Lothar from the font'.[45] This was despite — or even because of — the undoubted price paid by some churches through the appropriation of lands by Lothar's men.

It is notable that Lothar did not issue capitularies in this period, although these had been a *Leitmotif* of his earlier visits to Italy, with their strong focus on justice and legislation. Mathias Geiselhart suggests that Lothar had previously used capitularies as a means of presenting himself as Louis's legitimate heir and rightful ruler, which was no longer necessary after 834.[46] Louis himself seems not to have issued further capitularies in this period either, however, suggesting this is a wider phenomenon.[47] Although Lothar was not making legislation in this period, justice remained a concern visible in his charters, albeit within certain limits. Jennifer R. Davis has shown how at times Charlemagne used charters to record dispute settlements, with these charters revealing the variety and flexibility 'typical of Charlemagne's approach to justice more generally'.[48] In Lothar's case, charter 25 from 835 records a formal dispute settlement of the type discussed by Davis for Charlemagne. The chaplain and count of the palace investigated and upheld the claim of the cathedral of Cremona that it was not liable to perform transport services for Lothar's chamber, hinting perhaps at the increased pressures a resident ruler placed on the church. Lothar also issued a number of grants of the right of inquisition such as that to Piacenza in 837 (34). Four more of these grants were issued in 840 or during the civil war of 840–43: Bergamo gained the right of inquisition 'on account of the invasions of wicked men', and the bishop of Cremona in order to 'reintegrate' the property and bondsmen of which his church had been deprived, perhaps reflecting tensions generated by the process of integrating Lothar's supporters.[49] Whatever

[45] Agnellus of Ravenna, *Liber Pontificalis Ecclesiae Ravennatis*, ed. by Deliyannis, c. 171: 'Et ut filiam Lotharii de fonte leuaret, magnas opes exinde expendit'; translated in Agnellus of Ravenna, *The Book of Pontiffs of the Church of Ravenna*, trans. by Deliyannis, pp. 298–99.

[46] Geiselhart, *Die Kapitulariengesetzgebung Lothars I. in Italien*; Geiselhart also notes that more capitularies survive from Lothar's visits up to 832 than for any other Carolingian in Italy.

[47] Nelson, 'The Last Years of Louis the Pious', p. 156; de Jong, *The Penitential State*, p. 53.

[48] Davis, 'Charlemagne's Settlement of Disputes', p. 172; Davis focuses on eleven charters recording dispute settlements, including three Italian cases.

[49] Grants in and after 840: *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, doc. no. 42, Novara; no. 43, Bergamo, 'propter pravorum hominum invasionem'; no. 59, Santa Maria Theodota; no. 71, Cremona (5.4.843), 'ut quicquid predicta sedes de rebus vel de mancipiis iniuste privaverat, per inquisitionem in quibuslibet locis redintegrare valeret'.

the causes, they suggest that some disputes continued unresolved until Lothar's departure in 840 to seek an inheritance north of the Alps.

Negotiations with Louis, 836–37

At the end of Lothar's rebellion against Louis the Pious in 834, neither side could muster the strength or political support completely to overcome the other. It was Lothar's strong base of support, seen above all in the number of prominent Franks who remained associated with him, that meant that, after the rebellion of 834, the best solution open to Louis the Pious was to exile his son and his supporters to Italy. This exile, however, represented an uncomfortable situation of stalemate for both sides. In a world where personal contact was essential to achieve a settlement, it temporarily avoided rather than removed the problem of resolving how and upon what terms Lothar could be accommodated into the Frankish succession.[50] While Louis had already sent Lothar envoys in 835, in 836 there was a serious attempt to come to terms, the initiative for which seems to have come from Louis's side. The Astronomer suggests that Empress Judith played an important part in encouraging Louis to favour Lothar as Charles the Bald's best potential protector.[51] The detailed accounts of Louis's and Lothar's relations in 836–37 in the *Annals of St-Bertin* and the Astronomer's *Life of Louis the Pious* suggest the importance assigned to these events, both at the time and in retrospect.[52] When set alongside Lothar's charters, the rich material offers important insights into Lothar's perspective upon his relationship with Louis the Pious.

The number and identity of the ambassadors Lothar sent indicates that in 836, Lothar was willing to listen to his father's terms: his large embassy to Louis

[50] Cf. Reuter, '"Velle sibi fieri in forma hac"', p. 186, whose points on the necessity of resolving this later conflict face to face, and before a public, apply here, too.

[51] Envoys to Lothar in 835: Thegan of Trier, *Gesta Hludowici imperatoris*, ed. by Tremp, c. 57; in 836: *Annales de Saint-Bertin*, ed. by Grat and others, s. a. 836; initiative from Judith and Louis: Astronomer, *Vita Hludowici imperatoris*, ed. by Tremp, c. 54; de Jong, *The Penitential State*, p. 54.

[52] See *The Annals of St-Bertin*, trans. by Nelson, pp. 6–7, on the probable composition year-by-year in the palace at this time; on the date of composition of the *Life*, see Astronomer, *Vita Hludowici imperatoris*, ed. by Tremp, p. 67, proposing 840–41, and de Jong, *The Penitential State*, pp. 80–81, suggesting a slightly wider date range. The Astronomer's account of this period includes some significant chronological dislocations: e.g. the 835 Lyons assembly is reported after the events of 836–37 (cc. 55, 57); see also n. 56, below.

was led by three of his closest advisers. Wala, Richard the former doorkeeper, and Eberhard were clearly laying the ground for a reconciliation between Louis and Lothar, and the narrative sources reveal the stages in the process, from Wala's reconciliation with both Louis and Judith, to the negotiation of a safe-conduct for Lothar's subsequent visit, the vital final step in resolving the conflict. In the event, Lothar's illness prevented his travelling to Francia, and from autumn 836 negotiations broke down.[53] The Astronomer blames aggressive attacks on church lands, especially St Peter's, by Lothar's supporters, for the sudden chill in relations.[54] Louis's concern for the defence of the Roman church led to his decision to go to Italy in person in 837, and Lothar's closing of the Alpine passes against him.[55] Autumn 836 also saw the first wave of epidemic illness amongst Lothar's supporters, with a second round of deaths in autumn 837, including Hugh of Tours and Lambert.[56] The political implications of the deaths of so many key figures in weakening Lothar's position after 837 have been emphasized by Boshof, for example.[57] Turning to the charter evidence, what did these developments mean in practice for Lothar's position relative to Louis the Pious, and what more may be said about the circumstances of these years?

First, it is notable that the second major hiatus we see in the sequence of charters, between October 835 and August 836, followed by a five-month gap

[53] *Annales Fuldenses*, ed. by Kurze, translated as *The Annals of Fulda*, trans. by Reuter, s. a. 836: 'Hlotharius venire non potuit, quia graviter et usque ad desperationem aegrotavit' ('Lothar was unable to come, since he was gravely ill, even to the point of despair'; my translation).

[54] Astronomer, *Vita Hludowici imperatoris*, ed. by Tremp, c. 55.

[55] *Annales de Saint-Bertin*, ed. by Grat and others, s. a. 837.

[56] Dating the deaths of Lothar's supporters has long exercised scholars, since the Astronomer, *Vita Hludowici imperatoris*, ed. by Tremp, c. 56, presents a single list of victims but later writes of 'the double-wounding sword', implying two outbreaks of disease ('bini sevi ensis', p. 514, discussed pp. 7 and 513 n. 851, trans. in *Charlemagne and Louis the Pious: The Lives*, trans. by Noble, p. 291). This is confirmed by the reports of deaths found in the *Annales de Saint-Bertin*, ed. by Grat and others, and the *Annales Fuldenses*, ed. by Kurze, entries for 836 and 837; Wala, *Annales de Saint-Bertin*, ed. by Grat and others, s. a. 836; Hugh and Lambert, *Annales de Saint-Bertin*, ed. by Grat and others, s. a. 837, *Annales Fuldenses*, ed. by Kurze s. a. 837 and n. 31 above. Thegan of Trier, *Gesta Hludowici imperatoris*, ed. by Tremp, c. 55, might even imply that Matfrid died as early as 835. See *Jahrbücher des Fränkischen Reiches unter Ludwig dem Frommen*, ed. by Simson, I, pp. 166–67, n. 2, for a judicious summary of the evidence.

[57] Boshof, 'Einheitsidee und Teilungsprinzip in der Regierungszeit Ludwigs des Frommen', p. 186: 'Von nun an konnte er [Lothar] nicht mehr aus einer Position der Stärke verhandeln'.

into January 837, falls at this time. It could well relate to uncertainties triggered by the embassies that went back and forth to Louis the Pious at this time, followed by Lothar's own illness and the first outbreak of disease amongst his supporters. Potential charter recipients convinced that the political landscape could shortly be remade as a result of the negotiations or through Lothar's death would be less likely to seek Lothar's charters. It is perhaps noteworthy that 29, the only charter issued at this time, was for Lothar's mother-in-law, and thus for the family of his closest supporters.

Secondly, one of Lothar's charters for Nonantola, a house that seems to have held a position of especial importance as Lothar's spiritual centre of choice in Italy, casts particular light on his concerns at this time.[58] Charter 32 was enacted at Nonantola itself on 3 February 837, during a visit Lothar had made in order to pray there (*causa orationis*). He granted freedom of election of the abbot and requested the monastery's prayers for 'the stability of our kingdom and our perpetual felicity' — a standard request, but perhaps lent particular point by his worsening relations with Louis the Pious at the time, and the problems of securing provision for his entourage, some of whose appropriations may have been beyond his control.[59] The unique prayer clause requested prayers not just for Lothar and his immediate family, but also for his dead supporters. The monastery was to pray 'for us and the stability and salvation of our highness, of our wife and offspring, and for the protection and defence of [those] resting in the bosom of our holy mother the catholic church'.[60] This is the only time Lothar is recorded having requested prayers from an institution for persons other than his immediate family. Lothar's visit to Nonantola to pray, his initiation of the charter, and the prayer clause, all seem to reflect his particular concerns at the time. It seems likely that this was connected with the great mortality of Lothar's supporters in 836, including Matfrid and Wala, and demonstrates the

[58] Nonantola received more charters of Lothar's than any other Italian institution: three charters survive (*Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, doc. nos 7, 31, 32), and four further *deperdita* are known (doc. nos 160–61, 177, 187).

[59] *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, doc. no. 32: 'ad regni stabilitatem et nostrum perpetuam felicitatem'; Astronomer, *Vita Hludowici imperatoris*, ed. by Tremp, c. 55: 'quibusdam annuit, quedam se non posse servere respondit' ('[Lothar] acknowledged certain things but also answered that he could not prevent others', translation from *Charlemagne and Louis the Pious: The Lives*, trans. by Noble, p. 290.

[60] *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, doc. no. 32: 'pro nobis ac stabilitate culminis nostri seu salvatione coniugis ac prolis atque in sinum sanctae matris nostrae catholice ecclesiae quiescentium protectione seu defensione adtentius exorare domini misericordiam'.

impact of this upon Lothar. Wala, who probably died on 31 August 836, may have been particularly on Lothar's mind; the *Annals of St-Bertin* note that he had been a key adviser of Lothar's.[61] In the 850s, Paschasius Radbertus recalled the vision of Wala's soul rising to heaven vouchsafed to Empress Irmingard and certain nuns of San Salvatore Brescia, also suggesting the significance of Wala to Lothar and his wife.[62]

The Astronomer's carefully crafted account of the negotiations between Louis and Lothar, which ends with Louis the Pious's public grief on hearing of the deaths of Lothar's supporters, suggests a further reason for Lothar's need to obtain prayer at this time. The Astronomer emphasized Louis the Pious's David-like qualities of paternal forgiveness, and connected the divine punishment incurred by Lothar's followers with his sinful recalcitrance.[63] The Astronomer's concluding citation of Jeremiah 9. 23, 'do not let the mighty boast in their might', has been noted as suggesting that Lothar had gloried in the strength in numbers of his supporters.[64] The context of Jeremiah 9. 23 lends the quotation extra bite: the chapter describes the sins of the people, especially kin, and God's ensuing punishment, ending with the lament of the women that 'Death has come up into our windows, it has entered our palaces, to cut off the children from the streets and the young men from the squares'.[65] Thegan drew a similar connection, placing Matfrid's death immediately after the arrival in Italy of Lothar and his men.[66] Lothar's public prayers at Nonantola, and the com-

[61] *Annales de Saint-Bertin*, ed. by Grat and others, s. a. 837, p. 20: 'Tunc etiam Vualo abba, cuius consiliis Lotharius plurimum utebatur, in Italia obiit'. See *Jahrbücher des Fränkischen Reiches unter Ludwig dem Frommen*, ed. by Simson, II, 156–57, n. 5 on Wala's death of date, noting that 12 September 836 is a (weaker) possibility.

[62] Radbertus, *Epitaphium Arsenii*, ed. by Dümmler, II. 24, pp. 96–97, translated in Radbertus, *Charlemagne's Cousins: Contemporary Lives of Adalard and Wala*, trans. by Cabaniss, p. 203; see de Jong, *The Penitential State*, p. 104, on the date of composition, and p. 247 below on Irmingard and San Salvatore Brescia.

[63] Astronomer, *Vita Hludowici imperatoris*, ed. by Tremp, c. 55 (Louis as David) and c. 56 (Louis's magnanimity in grieving rather than exulting in the deaths). The significance of Louis's public grief in expressing a sense of the collective loss to Francia and Louis's unity with all the Franks is brought out in Nelson, 'The Last Years of Louis the Pious', p. 155, and by Airlie, 'Bonds of Power and Bonds of Association', p. 192.

[64] Astronomer, *Vita Hludowici imperatoris*, ed. by Tremp, c. 56; Boshof, 'Kaiser Lothar I.', p. 30. Jeremiah 9. 23, translated in the New Revised Standard Version.

[65] Jeremiah 9. 4–8 and 9. 21.

[66] Thegan of Trier, *Gesta Hludowici imperatoris*, ed. by Tremp, c. 55.

munity's prayers for Lothar were therefore also a bulwark against the dangers of God's punishment for sin.[67]

Finally, this charter for Nonantola is an important reminder of the central role Lothar's entourage would have played in forming his attitude to the negotiations with Louis the Pious.[68] The gaps in the evidence make it difficult to reconstruct the course and meaning of events, but Lothar's entourage may have contributed to the breaking off of negotiations in 836–37. Hugh, who was especially close to Lothar as we have seen, was not among the named participants in the embassy of 836, although it may be of note that his wife gained a grant of land from Lothar at this time (29). Perhaps the terms of the reconciliation were less desirable for some people, especially given Louis's 'strict handling of real enemies' such as Hugh and Matfrid.[69] Wala's death might also have changed the political atmosphere; Paschasius's admittedly hagiographic and retrospective account implies that Wala was an important spokesman for reconciliation with Louis the Pious, describing his dying concern that Lothar would not fulfil the agreement with Louis.[70] Contemporary accounts tend to emphasize how Lothar was swayed by those around him and in the particular circumstances of their shared exile, the views of his entourage, whatever they were, will have played a major part in Lothar's decision-making.[71]

[67] Compare de Jong, *The Penitential State*, pp. 148–84, on the endeavours to placate God in 828–29, and Screen, 'The Importance of the Emperor', p. 42, for Lothar's desire to resolve the problem of sinfulness in 842.

[68] I am grateful to Alex Woolf for discussing the role of the early medieval entourage with me.

[69] de Jong, *The Penitential State*, pp. 52–53 (p. 52), and Nelson, 'The Last Years of Louis the Pious', p. 153.

[70] Radbertus, *Epitaphium Arsenii*, ed. by Dümmler, II. 23, p. 94: 'Qua [febre] correptus, sollicitior pro augusto imperatore, apud quem tunc agebat, quam pro se erat, ne forte, quod nuper patri promiserat, omitteret occasione accepta, quia ipse febribus vexabatur'; trans. in Radbertus, *Charlemagne's Cousins: Contemporary Lives of Adalard and Wala*, trans. by Cabaniss, pp. 199, 'When seized by fever he became more anxious for the august emperor (for whom he was at that time acting), than for himself. He feared that what he had recently assured the father, the latter would bypass when occasion arose, for he himself was harassed by fevers'.

[71] See e.g. Thegan of Trier, *Gesta Hludowici imperatoris*, ed. by Tremp, c. 28, for Hugh of Tours's influence on Lothar; Jarnut, 'Ludwig der Fromme, Lothar I. und das Regnum Italiae', p. 360.

The Entourage after 836–37

Ultimately, the political implications of the mortality of Lothar's supporters were perhaps less significant than Boshof has suggested.[72] Despite the loss of many supporters to the epidemics of 836–37, the charter evidence suggests that Lothar retained a strong position in Italy at the end of the 830s. To some extent, the sons of these deceased magnates seem to have stepped into their fathers' shoes. Hugh's son Liutfrid appears in the sources only from 845 and 846/7 onwards, with Lothar in Francia, but Liutfrid seems then to have already inherited his family's recently acquired Italian interests and lands: indeed, his family retained the lands at Locate granted by Lothar to Ava into the 870s and 880s.[73] Likewise, to judge from the charter of 848 restoring the Valtellines to St-Denis, these properties seem to have been entrusted by Lothar to Matfrid's son, Matfrid II.[74] These men must have been closer to Lothar in age than their fathers, and so there may have been a shift in the dynamics of Lothar's court after 836–37. The group of Lothar's key supporters had begun to form after his marriage to Hugh of Tours' daughter Irmingard in 821, but the 830s may have been important as the period in which the men and women who were subsequently so prominent at Lothar's court in the Middle Kingdom really gelled as a group.[75]

Another aspect of Lothar's court that emerges strongly in the charter evidence is the very prominent role of Empress Irmingard in the later 830s. Agnellus of Ravenna provides us with a snapshot of Irmingard in 837 at the baptism of her and Lothar's daughter Rotrud: after the baptism, George celebrated mass for Lothar and 'the empress Ermengard, attended by her maids, wearing a shining robe, surrounded by a gold fringe, hair bound with fillets, with blue gems, her face veiled, her appearance dripping with sard, emeralds and gold'.[76]

[72] See n. 57, above.

[73] Hlawitschka, *Franken, Alemannen, Bayern und Burgunder in Oberitalien*, pp. 221–24. The lands passed to another Liutfrid, Hlawitschka's Liutfrid II, probably Liutfrid's son.

[74] *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, doc. no. 100; Hlawitschka, *Franken, Alemannen, Bayern und Burgunder in Oberitalien*, p. 55 n. 14.

[75] On the entourage after 843, see Screen, 'Lothar I: The Man and his Entourage'.

[76] Agnellus of Ravenna, *Liber Pontificalis Ecclesiae Ravennatis*, ed. by Deliyannis, c. 171: 'Pariter Ermengarda augusta stipata puellis, induta clara ueste, aureo circumdata limbo, conligata crines uittis, iachintinis gemmis, prosobsi uelata, facies stillatas sarduisque, smaragdis, auro'; translated in Agnellus of Ravenna, *The Book of Pontiffs of the Church of Ravenna*, trans. by Deliyannis, p. 299.

Agnellus's description of the baptism suggests that the palace at Pavia offered Lothar and Irmingard the forum to express their power in impressive imperial style. Irmingard seems also to have exercised an active influence in other ways. Lothar's charters show that she was prominently associated with convents traditionally linked with royal women, links made under the Lombards and continued by the Carolingians. Irmingard appears intervening on behalf of Santa Maria Theodota in Pavia, which seems to have been founded under Cunipert (687–700), but for which little evidence survives before the ninth century.[77] The Lombard king Desiderius (757–74) and his wife Ansa had founded San Salvatore in Brescia, and its abbesses had included Desiderius's daughter Anselberga.[78] Louis the Pious had granted the convent to Empress Judith, and in the charter of December 837 Irmingard appears intervening on behalf of San Salvatore, revealing that Irmingard and Lothar had taken over this important ecclesiastical relationship too.[79] Finally, looking at the charters issued after 837, Irmingard's intervention for San Salvatore comes within a sequence of charters to churches and monasteries, suggesting that Lothar may have increasingly drawn upon the support of these institutions from 837 onwards.

The final hiatus in the issuing of charters is from February 838 to May 839. This pause is the hardest to explain, however speculatively; one might posit political uncertainty perhaps connected with Lothar's meeting with Louis the German in spring 838, or the resumption of negotiations with Louis the Pious later that year, after Louis the German had fallen from his father's favour.[80]

[77] *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, doc. no. 38; Irmingard intervened again for S. Maria Theodota in 841 (doc. no. 59). On the convent's history, see Drew, 'The Italian Monasteries of Nonantola, San Salvatore and Santa Maria Teodota', pp. 138–41. In contrast to the other original charters, this is written by a scribe unaccustomed to writing chancery cursive, but with access to a model text (24 for Montecassino). Given the otherwise very competent chancery scribes available in Pavia, it would be interesting to consider whether this might have been written within S. Maria Theodota itself.

[78] Probably founded in 753, with Anselberga abbess by 757: Nelson, 'Making a Difference in Eighth-Century Politics', pp. 173–74.

[79] *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, doc. no. 35, and Drew, 'The Italian Monasteries of Nonantola, San Salvatore and Santa Maria Teodota', pp. 134–38. Louis the Pious's confirmation of immunity and royal protection (Böhmer, *Die Regesten des Kaiserreichs*, ed. by Mühlbacher, no. 802, issued in 819–25) was granted through Judith's intervention and states that Judith held the convent in benefice.

[80] Lothar met Louis the German in the *valle Tridentina* 'before mid-Lent' (24 March) 838: 'Hlotharius et Hludowicus in valle Tredentina colloquium habuerunt ante mediam quadragesimam', *Annales Fuldenses*, ed. by Kurze, s. a. 838, translated in *The Annals of Fulda*, trans. by

Equally this could simply be the general downturn we see in the numbers of charters issued by Carolingian rulers who had achieved a more settled position.[81] Charters 37–39, which bring this pause to an end, were all issued at Pavia in May 839, before Lothar's departure to Francia to be reconciled with Louis and restored to a place in the Frankish succession in 839. Frustratingly, we know nothing about the *fidelis* Erembert, whose short business-like grant, preserved via San Sisto in Piacenza, is a reminder that many more charters for laymen and women may once have existed.[82]

Conclusion

In the absence of capitularies and detailed local narrative sources, we tend to see the Italy of the later 830s through the hostile Frankish sources. Lothar's charters provide an important alternative perspective upon the later 830s, and offer valuable glimpses of his regime in this period. Lothar's 834–40 Italian sojourn certainly contrasts with his earlier visits to Italy, which were very much to fulfil Louis the Pious's political and legislative agenda. After 834, Louis did retain some rights over Italy, such as the right of coinage, and — for whatever reason — Lothar never attempted to return to Francia before his reconciliation with his father in 839. The charters also hint that Louis the Pious possessed an indirect reach into Italy and the affairs of Lothar's kingdom: the first two longer breaks we see in Lothar's preserved charters may reflect political uncertainties in 834–35 and 836–37, when potential charter recipients were hesitant to seek grants from Lothar because his position was less established, or ongoing negotiations with Louis the Pious suggested that the political landscape might shortly be remade.

Nevertheless, Lothar was able to consolidate his power and maintain a position of considerable autonomy in these years, as the charter evidence also reveals. This autonomy was expressed in the continued use of the independent *intitulatio* introduced into Lothar's charters in 834, and asserted in practice through the establishment of his followers in Italian lands, including the

Reuter, p. 15. On the resumed negotiations and reconciliation, see Astronomer, *Vita Hludowici imperatoris*, ed. by Tremp, c. 59–60 (again at Judith's instigation, p. 528); *Annales de Saint-Bertin*, ed. by Grat and others, s. a. 839.

[81] Bautier, 'La chancellerie et les actes royaux', p. 32.

[82] *Die Urkunden Lothars I. und Lothars II.*, ed. by Schieffer, doc. no. 37; Hlawitschka, *Franken, Alemannen, Bayern und Burgunder in Oberitalien*, p. 176.

granting of some strategically important lands in the teeth of Louis the Pious's opposition. The period emerges as an important time in the formation of Lothar's entourage. At a key moment in early 837, Lothar offered commemorative prayer for his dead followers, emphasizing the closeness and significance of his bonds with his entourage, upon whom his own power and influence was based, but who in turn exerted significant influence upon Lothar. It seems plausible that shifts within Lothar's entourage after Wala's death contributed to the breakdown of negotiations with Louis the Pious in 836–37. In particular the charters suggest that Empress Irmingard developed the prominent position at court she would retain after 840, and that her family were particularly influential in Lothar's Italy.

If Lothar's initial power-base was heavily centred on his Frankish followers, the charters suggest that churches and monasteries outside that circle also began to turn to Lothar. These ties allowed him to extend his influence in Italy beyond the northern Italian heartlands, in a process that can be traced back to 835 at least. Occasions such as the baptism of Rotrud in 837 and Lothar's visit to Nonantola to pray, give us glimpses of the political creativity with which Lothar bolstered his position within Italy and surmounted challenges to maintain his position and evolve a personal style of rule. The charter evidence also hints that Lothar's regime continued to express a typically Carolingian concern for justice, and an equally typical concern to seek intercessory prayer as a preventive measure against sin. Lothar's Italian years from 834–40 originated in, and were strongly shaped by the political stalemate of 834, from the need to settle his supporters to deciding how to respond to Louis the Pious's overtures and exhortations. Lothar's success in these years, despite the deaths of many of his following, ultimately made it necessary for Louis the Pious to take Lothar back into account in planning the succession, and helps explain the strength of the support Lothar attracted in Francia, both in 833–34, and after 840.

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The Charter Evidence for the Reign of King Edmund (939–46)

Alaric Trousdale*

The reign of King Edmund has for the most part been studied in the context of his relations with the Scandinavian kings of York and Dublin, his mother Eadgifu, and Abbot Dunstan of Glastonbury.[1] Very little, however, has been written on King Edmund's activities within England, outside his legislative output.[2] The surviving charters in the name of King Edmund are a largely under-utilized resource when examining the political history of the period. One historian's statement in the *New Cambridge Medieval History* sums up a bleak perspective on the problems and possibilities of using the witness lists of these sources:

> The unfolding pattern of attestations in the charters of the 930s and 940s shows who among the bishops, ealdormen and thegns may have been the more significant figures in the domestic affairs of the day, and we can guess that they played their respec-

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[1] See Beaven, 'King Edmund I and the Danes of York'; Mawer, 'The Redemption of the Five Boroughs'; Smyth, *Scandinavian York and Dublin*, 1, 89–125; Dumville, *Wessex and England From Alfred to Edgar*, pp. 173–84; Sawyer, 'The Last Scandinavian Kings of York'; Breeze, '*Armes Prydein*, Hywel Dda, and the Reign of Edmund of Wessex'; Downham, 'The Chronology of the Last Scandinavian Kings of York'; Woolf, *From Pictland to Alba*, pp. 181–85.

[2] For Edmund's legislation see Wormald, *The Making of English Law*; Hyams, 'Feud in Medieval England', and Hyams, 'Feud and the State in Late Anglo-Saxon England'; Trousdale, 'Being Everywhere at Once'.

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> tive roles in a complex story; but since it is impossible to identify the competing interests and to separate the different factions, the plot itself lies beyond our reach.[3]

This pessimistic assessment is supported by general historiographical trends: the overwhelming wealth of the extant scholarship on tenth-century England has focused on the reigns of Athelstan (925–39), Edgar (957–75), and Æthelred II (978–1016).[4]

There is a subsequent lacuna in the scholarship of tenth-century England, and the present chapter will demonstrate that study of the witness lists of contemporary charters allows us to examine the domestic political situation in the late 930s and 940s, despite the difficulties of interpretation. While it may at first appear difficult to discern the 'plot', a narrative can still be observed through a close study of King Athelstan's and King Edmund's charters.

To establish this narrative, this chapter will utilize the methodology established by Simon Keynes for studying witness lists to reveal changes in precedence.[5] In essence, this assumes that witness lists are accurate records of perceived hierarchy, with the most important persons present being recorded first, and that therefore changes in the order of witnessing between different witness lists containing the same collection of witnesses is likely to represent a real change in perceived standing.[6] This methodology requires, however, that there is a unitary production of charters (not general production by beneficiary), as there must be a stable view on precedence such as might be provided by a single agency of production.

[3] Keynes, 'England, *c.* 900–1016', p. 473. Note that the same author has elsewhere demonstrated the utility of such patterns of attestation in throwing light on court politics: Keynes, *The Diplomas of King Æthelred 'The Unready'*.

[4] See Foot, *Æthelstan: The First King of England*; Hill, *The Age of Athelstan*; Jayakumar, 'Some Reflections on the "Foreign Policies" of Edgar "the Peaceable"'. Keynes, *The Diplomas of King Æthelred 'The Unready'*; Loyn, *The Governance of Anglo-Saxon England*; the essays in Scragg, ed., *Edgar, King of the English*; Stafford, *Unification and Conquest*, and Stafford, 'The Reign of Æthelred II'; Williams, *Kingship and Government in Pre-Conquest England*; but see also Dumville, *Wessex and England From Alfred to Edgar*, and Williams, '*Princeps merciorum gentis*'.

[5] Keynes, *The Diplomas of King Æthelred 'The Unready'*, pp. 154–62. The same author has continued to use this methodology to good effect subsequently, e.g. Keynes, 'Edgar, *Rex Admirabilis*', pp. 31–36.

[6] The objections of Lawson, *Cnut: The Danes in England*, pp. 66–67 about the form of charters restricting the numbers of witnesses should be noted, but even if the number of witnesses was artificially reduced by a scribe to meet the requirements of a model or pattern, it is likely the witnesses with the highest standing would be recorded first; Keynes, *The Diplomas of King Æthelred 'The Unready'*, p. 155, actually considered a similar issue.

The Central Production of Charters in the Reigns of Athelstan and Edmund

King Athelstan's diplomas from the first ten years (925–35) of his reign are known for having very long witness lists.[7] As many as fifteen ealdormen and sixty thegns witness certain documents.[8] Such diplomas have been interpreted as evidence of great 'national' councils attended by nobles from all parts of the kingdom.[9] Athelstan's diplomas for the first ten years of his reign were also, it would seem, composed by a single scribe known as 'Athelstan A'.[10] Susan Thompson's analysis of the palaeography of the corpus of original diplomas concluded that, while kings prior to the tenth century produced charters in monastic scriptoria, by the tenth century — specifically by the reign of Athelstan — there was a centralized office producing royal documents.[11]

In addition to these findings, Thompson also noted that changes in charter script and format took place in the late 930s.[12] In the charters of 939 one first observes the introduction of both square and rustic capital letters together in the same document, the use of a capital initial at the beginning of the bounds, the introduction of a confirmation clause, and the introduction of a space after the sentence preceding the bounds, amongst other innovations.[13] Thompson also notes that beginning in the charters of 939 and continuing through the documents from 948 the layout of the witness lists is 'strikingly similar', the *Ego* beginning with a large, square capital *E* in almost all of the original documents produced between these years.[14] In the late 930s there also underwent a drastic shift in both the numbers and the regularity of diploma witnesses. The very long witness lists common in Athelstan's charters are no longer seen, and the number of ministers attesting rarely rises above seventeen throughout the course of Edmund's reign. The numbers of bishops attesting shrinks from num-

[7] For all subsequent discussion of charter witness lists, see Keynes, ed., *An Atlas of Attestations in Anglo-Saxon Charters*, Tables xxxviii–xxxix, xlii–xliii.

[8] S 412, 416–17, and 425.

[9] Stenton, *Anglo-Saxon England*, p. 352; Dumville, *Wessex and England From Alfred to Edgar*, p. 153; Foot, *Æthelstan: The First King of England*, pp. 72–73.

[10] Foot, *Æthelstan: The First King of England*, p. 72.

[11] Thompson, *Anglo-Saxon Royal Diplomas*. For a synopsis of the Anglo-Saxon 'chancery' debate see pp. 3–19 there.

[12] Thompson, *Anglo-Saxon Royal Diplomas*, pp. 8–13, 146–48.

[13] Thompson, *Anglo-Saxon Royal Diplomas*, pp. 37–40.

[14] Thompson, *Anglo-Saxon Royal Diplomas*, p. 49.

bers in the high teens to between seven and ten, and the number of ealdormen is also greatly reduced, from the low teens to between two and four individuals.

Such a cluster of minor format and layout alterations as observed by Thompson may be a sign of more than just scribal influence. One simple explanation for the large number of changes such as the distinct capitals and suddenly consistent witness list numbers might be the disappearance of the diploma scribe known as 'Athelstan A'. The last diploma attributable to him is datable to 934 x 935 and he was apparently replaced in his duties by at least two scribes, identified by Drögereit under the names 'Athelstan B' and 'Athelstan C', who produced only a few documents each for King Athelstan, and both continued to draft charters for King Edmund.[15] We can also rule out scribal idiosyncrasy when it comes to the changes observed by Thompson, as the aforementioned changes are present in charters composed by more than one scribe: they are found in nearly all documents of the 940s. The layout conventions and the more consistent witness list numbers introduced by 'Athelstan B' and 'Athelstan C' recur in the charters produced by three additional scribes who drafted charters for Kings Edmund and Eadred; Drögereit identified these as 'Edmund A', 'Edmund B', and 'Edmund C'.[16] The marked shift away from including lengthy lists of witnesses in charters produced by all five of the known scribes of Edmund's royal charters is significant. It appears as though multiple scribes working for the king carried out a number of subtle shifts in diplomatic practice, apparently in concert, bringing greater uniformity to the appearance of royal diplomas.

The Significance of the Witness Lists

If, as has long been assumed, charter witness lists reflect the actual men attendant upon the king at a single royal meeting, one is met with two possibilities to explain the shorter witness lists in the later charters of Athelstan and those of Edmund: either royal meetings in the late 930s and 940s were attended by fewer officials, or Athelstan and Edmund's charter witness lists were deliberately shortened and arranged in a similar visual format by all of his scribes for a particular reason. While the answer to this question (and the underlying assumption) remains to be seen, the changes in the witness lists allow us to ask more specific questions of them. With a relatively consistent number of witnesses, and a smaller number of witnesses overall, it becomes less problematic

[15] Drögereit, 'Gab es eine angelsächische Königskanzlei?', pp. 370–77.

[16] Drögereit, 'Gab es eine angelsächische Königskanzlei?', pp. 377–89.

to note conspicuous changes amongst who was and was not witnessing royal charters; in short, it is easier to say with confidence when an individual witness's status changes.

We may define a change of status at court as the point at which one begins witnessing alongside a group with a title (i.e. *dux*, *minister*), when that individual's status changes in respect of his fellows (movement up or down in the order of attestation) and when an individual ceases to witness royal diplomas. Traditional hierarchies are also relevant, such as the order of attestations among bishops, as are local and regional hierarchies amongst secular officials. For example, the archbishops of Canterbury consistently witness royal charters ahead of the archbishops of York, and ealdormen from Wessex *tend* to witness ahead of Mercians; aberrations to these conventional patterns are therefore relevant when they can be observed.

There remains a fundamental question facing diplomatists: what do witness lists 'mean'? Are they a record of a physical meeting, the names of individuals in their order of importance to the king? Is the witnesses' order of attestation related to the beneficiary or location of the grant? Occasional disappearances by individuals who regularly witness charters, or occasional inclusion of individuals whose attestations rarely appear may be sign of special circumstances, either at court or in the nature of the grant in question. However, when individuals' places in witness lists are charted over the long-term, one is on firmer ground in coming to conclusions regarding their status and position.

Charter witness lists undoubtedly reflect a reality, but determining what that reality 'is' is exceedingly difficult. Whilst it is not clear what necessitated the transition towards shorter witness lists that became standard in the late 930s and 940s, the shifts in diplomatic practice allow us to observe more closely the makeup of the group who witnessed most regularly, be they the king's closest advisors, a select group of court attendants, or members of the king's household. It behoves us to question whether such shifts in diplomatic practice reflect simple expediency in the production of charters (a shorter, more straightforward document) or whether the shortened witness lists are indicative of a changing perspective on who was (and who was not) in attendance at royal councils. Investigation into such questions are aided by the fact that, whether through chances of survival or a marked increase in the numbers of documents produced in these years, there exist a remarkable number of extant charters from the 940s.[17] The stability and the relative uniformity of the witness lists between

[17] See Keynes, ed., *An Atlas of Attestations in Anglo-Saxon Charters*, Table XXVI. See also Stafford, *Unification and Conquest*, p. 37.

939 and the end of King Edmund's reign, as well as the relatively high number of extant charters from these years, permit a detailed analysis of the men closest to the king, and this will allow broader conclusions regarding the political situation in the 940s.

The final years of King Athelstan's life are almost completely unknown to historians; all recensions of the *Anglo-Saxon Chronicle* lack entries for the years 938–39. However, the charters produced during these years betray both significant and subtle changes at Athelstan's court. As mentioned above, in the final years of King Athelstan's reign attestation numbers appear to decline and very few ealdormen are observed witnessing royal documents. Those ealdormen that did attest were almost exclusively administering districts within Wessex, with the exception of Ealdorman Æthelstan 'Half King' of East Anglia (who witnesses irregularly between 935 and 939) and Ealdorman Uhtred, likely in charge of northwest Mercia.[18] In 939 there appears to have been a significant movement at court, one possibly attributable to Athelstan's impending death. Before he died King Athelstan promoted two new ealdormen from the ranks of the thegns, who had regularly witnessed charters as *ministri*, Ælfhere and Wulfgar.[19] At the same time the senior ealdorman, Ælfwald, disappeared from the charter record, having presumably died or suffered eclipse. A reasonable conclusion could be that the men who were promoted (or perhaps only one of them) were placed in charge of Ælfwald's former ealdormanry in Wessex.[20] Wulfgar had regularly witnessed at around the second place, and Ælfhere witnessed around the sixth or seventh place amongst the *ministri*. From the available evidence one can determine that the promotion of these men was one of the final administrative decisions made during Athelstan's reign.

King Athelstan's charters from 935 until his death also reveal interesting patterns of ecclesiastical witnessing. Some time between 937 and 938 Bishop Ælfheah of Wells died and his replacement, Wulfhelm, was appointed. Wulfhelm's attestations show that he took up the same place in the lists that Ælfheah had occupied, below Oda of Ramsbury and above Burgric of Rochester. This suggests a quick selection. Also of note is the question of the

[18] See S 397.

[19] In this paper the terms 'ealdorman' and *dux*, and 'thegn' and *minister*, will be used interchangeably. For these titles and their respective meanings see Loyn, 'The Term Ealdorman in the Translations Prepared at the Time of King Alfred', and also Loyn, 'Gesiths and Thegns in Anglo-Saxon England'.

[20] See Chadwick, *Studies on Anglo-Saxon Institutions*, pp. 188–89; Hart, *The Early Charters of Northern England and the North Midlands*, p. 281.

whereabouts of Bishop Ælfred of Sherborne. Ælfred of Sherborne was apparently appointed to replace Bishop Sigehelm in 934, but Ælfred only witnesses four charters — all 'Athelstan A' products — from that year. A bishop of Sherborne does not again appear to witness royal charters until the attestations of Ælfred's successor, Wulfsige, are seen again in 943, under Edmund.[21] As noted above, many other bishops disappear from the charter record or cease to witness regularly after 935. But the majority of them were located in the north, including Archbishop Wulfstan of York, the bishop of Chester-le-Street, and a number of other bishops of unidentified sees, likely Mercian ones. Ælfred of Sherborne's disappearance from the witness lists therefore stands out, considering his see's location in Wessex.

King Athelstan died in October 939, and every indication is that Edmund succeeded immediately.[22] In the first year of King Edmund's reign, 940, three more ealdormen were promoted. As in the year prior, the men promoted were regular witnesses amongst the *ministri*. Æthelwold, the brother of Ealdorman Æthelstan 'Half King', was placed in charge of Kent and Sussex. Two other appointments — Ealhhelm and Æthelmund — were placed in charge of districts within Mercia. Ealhhelm took over the area of the Hwicce, and Æthelmund likely was in charge of Northwest Mercia.[23] It is possible that they were promoted at the same royal meeting, as their attestations as ministers cease at exactly the same time they appear as ealdormen.[24]

One more ealdorman was promoted to administer the area of South East Mercia later in 940, seemingly at a different meeting at court than the first group, another Æthelstan.[25] This second Ealdorman Æthelstan appears not to

[21] S 445 from 939 granting land at West Orchard in Dorset may be a grant to this same bishop, but there are problems with the document. The beneficiary is identified as 'Ælfrico fideli meo in Christo ministro et episcopo' ('Ælfric my faithful minister and bishop in Christ'), and Kelly believes that it is indeed Bishop Ælfred, based on the property's location within the see of Sherborne. See *Charters of Shaftesbury Abbey*, ed. by Kelly, pp. 39–43.

[22] *The Anglo Saxon Chronicle*, ed. by Keynes and Dumville, III: *MS. A*, ed. by Janet M. Bately (1986), p. 73.

[23] For the assignments of these men to their respective districts see Banton, 'Ealdormen and Earls in England', p. 110; Williams, '*Princeps merciorum gentis*', p. 145, and Chadwick, *Studies on Anglo-Saxon Institutions*, pp. 196–97.

[24] Three charters from 940 are attested by the four ealdormen who witness documents as *dux* in 939 (S 461, S 463–64) and contain the attestations of the men appointed in 940 amongst the *ministri*; three other charters of 940 (S 465, S 467, S 469–70) reflect Edmund's appointments, where Æthelwold, Ealhhelm and Æthelmund attest not as ministers, but as ealdormen.

[25] Hart, *The Early Charters of Northern England and the North Midlands*, pp. 299–300.

have witnessed any royal diplomas before this date, and it is interesting that he witnesses diplomas ahead of his Mercian counterparts as an ealdorman; something other than seniority affected his place relative to his fellows in the witness lists. Also in 940 we note the disappearance of Ealdorman Ælfhere, one of the men who were promoted in 939, and who had witnessed at the head of the ealdormen from his first attestation as *dux*.

In the space of two years, then, six new ealdormen were promoted, seemingly three in Wessex and three in Mercia. Two ealdormen also disappear, both of them, interestingly, witnessing at the senior place in the lists and also administering areas of Wessex.[26] We observe local administrative authority being distributed from a very few individuals who held power late in the reign of King Athelstan to a larger group of retainers; the balance of power, in terms of who held local authority from the king, was rapidly being restructured. In contrast to his predecessor, King Edmund appears to have taken an especial interest in appointing ealdormen in Mercia, suggesting that control over areas outside Wessex was a particular concern.

Edmund's rapid and (apparently uncontested) assumption of the throne upon King Athelstan's death has traditionally been seen as one of the smoothest transitions of royal power in tenth-century England. Some historians, including Pauline Stafford, have cast shadows on this rosy picture. Her analysis of the attestations of Edmund's mother Eadgifu and brother Eadred during his reign leads her to the conclusion that the royal family was under extreme domestic political pressure.[27] Edmund's mother and brother witness the majority of Edmund's charters, and this could be interpreted as a sign of a family taking a defensive posture. The rapid reshuffle of ealdormen in the years immediately surrounding King Edmund's accession could add evidence to a picture of a royal family in hasty need of powerful supporters (or in hasty need of providing already loyal supporters with more power). With two brothers witnessing as ealdormen, the family of Æthelstan 'Half King' emerged as a distinctly powerful one at this point. There is no doubt that external military pressures could have contributed to King Edmund's appointments, but it would be hasty to conclude that they were the only considerations given the paucity of historical sources for the period. Whether external or internal pressures were being

[26] Ealdormen, at least from Wessex and southern Mercia, almost invariably seem to have witnessed royal charters: Keynes, *The Diplomas of King Æthelred 'The Unready'*, pp. 157–58. The disappearance of an ealdorman from Wessex from the charter record therefore seems likely to reflect either loss of office or death.

[27] Stafford, *Unification and Conquest*, pp. 40–44.

brought to bear, Edmund may have been increasingly reliant on the support of his family and others, reflected in the need to restructure the ranks of the most senior secular office outside of the royal family in the kingdom, that of the ealdorman.

Edmund's first two years on the throne are also notable for shifts in the patterns of ecclesiastical witnesses. In 940 Bishop Wulfhun of Selsey disappears from the charter record. It is unclear when his replacement, Ælfred, was appointed. Two bishops of that name were apparently alive at this time, and therefore telling them apart has proven difficult. Either the bishop of Selsey or the bishop of Sherborne witnesses twelve charters between 941 and 943, all at the same place, above Burgric of Rochester and below Ælfric of Hereford.[28] In 943 we witness the appointment of Bishop Wulfsige of Sherborne; after Wulfsige's appointment a Bishop Ælfred attests, likely the bishop of Selsey and not of Sherborne (see above). The conspicuous nature of Ælfred of Sherborne's absence in the charter record between 935 and 943 is made clearer by the fact that after his replacement by Wulfsige, Wulfsige attests royal charters regularly until 958.[29] That one of the bishops of the Wessex heartlands does not seem to have attended the king's court, or if he did do so, did not have the perceived status to be recorded in charter witness lists, is also suggestive of changing political tides, although nothing definite can be established here.

Further movement at King Edmund's court is visible in 942. In this year Eadric, another of ealdorman Æthelstan 'Half King's brothers began witnessing Edmund's charters as *dux*. Eadric had witnessed diplomas as a thegn from around 930, and by 940 he was witnessing regularly at around the thirteenth place, just above the Ealhhelm who was promoted in 940. Eadric likely took over an area of Wessex.[30] It is therefore interesting that he witnesses as a *dux* so relatively low, at around the sixth or seventh place. Eadric attests below the Mercian ealdormen, as prior to this time there appears to have been a tradition not only of seniority in the order of attestations amongst ealdormen, but of Mercians almost always attesting below their West Saxon counterparts. This again emphasizes the unusual interest in Mercian affairs at Edmund's court, and may also indicate a perception of a changing balance of power between the ealdormen of the component parts of the English kingdom on the part of the scribes of royal charters.

[28] S 447, S 471, S 480, S 483, S 485, S 487–88, S 491–92, S 496, and S 511–12.

[29] See *The Charters of Selsey*, ed. by Kelly, p. xci, n. 101.

[30] See Hart, *The Danelaw*, p. 578.

So things appear to have stood until the following year: in 943 a significant number of the foremost men in the kingdom disappear from view. The most prominent of these was Ealdorman Wulfgar (of Wiltshire?), promoted in 939; Wulfgar had witnessed first amongst the ealdormen since Ælfhere disappeared in 940. The second most prominent individual who disappeared from the charter record in 943 was one Odda, a thegn whose charter attestations can only be described as exceptional. Odda's attestation in royal diplomas can be traced back as early as the year 904, making him the longest witnessing minister in the first half of the tenth century.[31] With the exception of only six instances (all in which he still witnesses highly) Odda attested first amongst the lists of the thegns in all of the extant charters between 925 and 943. This tenure of a position of influence in the king's councils (if indeed this is what is reflected) is practically unheard of, and is especially remarkable when it is considered that Odda was never promoted to the position of ealdorman.

It is conspicuous that the 'senior' ealdorman and the 'senior' thegn, both witnessing first among the other men of their respective positions, cease witnessing royal charters in the same year, 943. The nature of the charter evidence does not allow the conclusion that they left court at precisely the same time, but it may be wondered if this was not the case. In addition to these prominent figures, several other high-ranking thegns who had regularly witnessed Athelstan and Edmund's charters also cease to do so in 943. This group includes one Wullaf who witnessed between fourth and fifth; one Ordheah, who witnessed between eighth and twelfth; and one Wulfhelm, who witnessed between the fourteenth and the seventeenth place amongst the *ministri*. The names of these five individuals — Odda, Wulfgar, Wullaf, Ordheah, and Wulfhelm — are alliterative: all begin with either 'W' or 'O'. This could be a sign of a kin relationship between some or all of them, but, suggestive as it is, such a hypothesis cannot be proven on the basis of alliteration alone.

Furthermore, it is roughly at this time in 943 that Ealdorman Uhtred of northwest Mercia ceased attesting diplomas regularly. Uhtred was clearly still alive and in authority from this point on, but whereas he witnessed most of Edmund's charters to this date, he only witnessed eight charters between 944

[31] Odda attests at fourth place for a time and then third in the charters of Edward the Elder, and by King Athelstan's reign he regularly witnesses first. It is possible that there are two or even three different Odda's witnessing; this is the stance that the *Prosopography of Anglo-Saxon England* has taken, separating two individuals, their 'Odda 4' and 'Odda 5' (but see note acknowledging the possibility that they are the same individual). In the absence of conclusive evidence to the contrary, assuming them to be one and the same is not hazardous.

and 959.[32] The disappearance of these chief men from the number of regular witnesses at this time is unlikely to have been coincidental, but with the lack of corresponding evidence it remains difficult to explain it entirely. There is always the possibility that the men who disappear died in a military engagement, and as there appears to have been more than one campaign in the north of England during these years, it could explain the dispersed nature of the disappearances; although the likelihood of Odda, in all probability a very old man, being on a military campaign is perhaps minimal.[33]

It is however possible that these men constituted a significant court faction, and that at this point they either suffered eclipse to the point where they were no longer considered prestigious enough to witness charters or left court voluntarily. When King Edmund's growing reliance on some of the most powerful families in the kingdom in the years leading up to 943 is considered — especially those of Ealdorman Æthelstan 'Half King' and other Mercian interests — along with a perceived shift in the balance of power at court towards Mercia, it could be concluded that this is a further sign of these families' growing significantly in power and influence not only in their own areas, but in Wessex as well. With Ealdorman Eadric's promotion in 942 and Ealdorman Wulfgar's disappearance in 943, there remained six regularly witnessing ealdormen at King Edmund's court by the end of 943. Three of these, Æthelstan 'Half-King', Æthelwold, and Eadric were brothers, and controlled the areas of East Anglia, Kent, and Sussex, and a large portion of Wessex. It is possible that the men who vanish from the charter record did so on account of the influence being amassed by Ealdorman Æthelstan 'Half King' and his kin. The coincidence of this development with the aftermath of the retaking of the Five Boroughs in 942 suggests that the disappearance of one court faction and the further elevation of another could be related to the restructuring of the balance of power in the local administration of the kingdom as a whole in light of that triumph.

The picture of the king's advisors laid out so far describes only half of the situation. In the years immediately following the developments already observed, one may witness in the charters the rapid promotion, at least in terms of their

[32] Uhtred witnessed S 497 in 944, S 508 and S 520 in 946, S 552a in 950, S 659 from 956, S 674, S 677, and S 679 in 958. No pattern readily emerges from these charters in terms of the location of the grant, with properties in Kent, Essex, Wiltshire, Nottinghamshire, Northamptonshire, and Herefordshire represented. Two charters however were grants to Bishop Oscytel of Dorchester, the future archbishop of York (S 659, S 679), both from 958.

[33] *The Anglo Saxon Chronicle*, ed. by Keynes and Dumville, III: *MS. A*, ed. by Janet M. Bately (1986), pp. 73–74.

place in the witness lists, of a number of seemingly connected individuals in 943 and 944. New men appear or were promoted to take the prominent places of those who left King Edmund's court. The sudden appearance of an individual named Wulfric witnessing in the list of thegns just after the aforementioned shake-up, between the eighth and the fifth place, is likely related to the aforementioned changes, and it is possible to link him to a powerful group at court. This Wulfric was most likely the brother of Abbot Dunstan of Glastonbury.[34] Dunstan was made abbot sometime in 942 or 943, and unfortunately dating his promotion can be no more specific than that.[35] Wulfric had been a well-rewarded retainer before his brother's promotion, as he received lands in 940, even though he witnessed no charters until 944, which should remind us that royal favour was not always connected to prominence in witness lists.[36]

It is difficult to distinguish between the multiple individuals who possess common Anglo-Saxon names that sometimes witness documents together (Ælfstan is one example), and in this instance two Wulfrics confront us. Another man named Wulfric — surnamed *Cufing* — also witnessed Edmund's charters.[37] Cyril Hart's conclusion that it was indeed Dunstan's brother who began witnessing in 944, and that Wulfric *Cufing* appeared in Edmund's charters earlier, appears convincing.[38] Wulfric *Cufing* is one of those individuals about whom much is known from his landholding, but little else. He held around two hundred hides of land, most of it ranging across Berkshire, Hampshire, and Sussex.[39] This Wulfric also seems to have been closely associated with, and possibly related to, the family of Ealdorman Ealhhelm, the same who was promoted in 940.[40] In addition to their matching names, it proves useful to treat

[34] See Hart, *The Early Charters of Northern England and the North Midlands*, pp. 370–73.

[35] See Brooks, *The Early History of the Church of Canterbury*, pp. 243–53.

[36] Dunstan's brother received a princely total of fifty-five hides that year in Grittleton and Langley, both in Wiltshire (S 472 and S 473).

[37] This Wulfric is styled *Cufing* (son of Cufa) in S 1491.

[38] See also Hart, 'Danelaw Charters and the Glastonbury Scriptorium', pp. 128–29.

[39] Wulfric *Cufing*'s landholdings are examined fully in Hart, *The Early Charters of Northern England and the North Midlands*, pp. 370–73, and *Charters of Abingdon Abbey*, ed. by Kelly, I (2000), clxxiv–clxxxii. It is also interesting to find that Wulfric *Cufing* is one of those few individuals to be in possession of a number of different titles in the texts of grants he received. In addition to being styled *Cufing* he was at various times styled 'princeps' (S 636) and 'mihi intimo præcordialis affectu amoris fideli' (S 552). See Meddings, 'Friendship Among the Aristocracy'.

[40] Williams, '*Princeps merciorum gentis*', pp. 155 n. 51. Ælfwine, Ealhhelm's youngest son was possibly Wulfric's son in law. See especially *Charters of Abingdon Abbey*, ed. by Kelly, I, pp. clxxiv–clxxxv.

these two Wulfrics in relation to each other, as it is right after the changes at court *c*. 943 that their attestations appear to dovetail.[41]

Up until the end of the year 943 Wulfric *Cufing* witnessed between seventh and seventeenth amongst the *ministri*, but in most cases his attestation remained static at around the fifteenth place. As two of the three major thegns who disappear in 943 (Odda and Wullaf) had regularly witnessed ahead of Wulfric *Cufing*, it might reasonably be expected that all the remaining *ministri* would rise in the witness lists respective of each other, as indeed happened. Wulfric *Cufing* on the other hand made a drastic leap in the lists of thegns between 943 and 944, and in these years he began witnessing regularly at the third place, a position that he would maintain throughout the rest of King Edmund's reign as well as King Eadred's (946–55). The notion that Wulfric *Cufing* may have had a close relationship with the Wulfric identified as Dunstan's brother is not only based on their corresponding rise around 943, but also on the fact that for many years afterwards they tend to witness many of the same charters together. Indeed, after this time there are markedly fewer diplomas from either King Edmund's or King Eadred's reign which only a single Wulfric *minister* attests.[42]

Wulfric *Cufing* and Wulfric Dunstan's brother were not the only men who appear to have benefited from the events of the year 943, and it appears as though King Edmund was promoting just as many individuals as disappeared from court. It was at this time also that one Ælfsige makes a conspicuous rise in the rank of the thegns.[43] This individual also probably had a close relationship with Ealdorman Ealhhelm of Mercia and his sons. It is conspicuous that we can observe two individuals — Ælfsige and Wulfric *Cufing* — connected with this Mercian family being promoted around the same time. Whereas Ælfsige had regularly witnessed at around the tenth place before 943, after 943 he witnessed at the higher fourth place for the remainder of Edmund's reign.

Throughout King Eadred's as well as King Eadwig's reign, Ælfsige's attestation routinely follows that of Wulfric *Cufing*, and they rise through the ranks of the *ministri* almost as if they were a pair. It is especially during King Eadwig's reign that evidence of this closeness between Ælfsige and the sons of Ealdorman

[41] These two men have been examined alongside each other before; see Brooks, 'The Career of St. Dunstan', pp. 7–11.

[42] Forty-five charters contain the attestation of a Wulfric *minister* between 944 x 955, and of these twenty-seven contain the attestation of two Wulfrics.

[43] Some caution is needed here, as two individuals with this name witness King Edmund's charters, and in some their names appear adjacent to each other.

Ealhhelm can be observed. In numerous charters starting from 956 Ælfsige and Ealhhelm's son Ælfheah witness next to each other, and were both styled in one charter as *discifer*.[44] Wulfric *Cufing* and Ælfsige appear to have been men whose stars were in the ascendant at Edmund's court.[45] That they can be linked to the family of Ealdorman Ealhhelm, whose family's own rise was seemingly recent, should be seen as significant.

Another individual worthy of specific comment is the minister Ælfstan. While Ælfstan began witnessing King Edmund's charters in 941, his attestation became much more common after 942. Ælfstan's increasing favour with King Edmund over these years is measurable, as he received land in Kent on two respective occasions in 943 and 944.[46] Both of these estates bordered one owned by the queen mother Eadgifu, and the two properties were combined later to form a larger one by the monks of Christ Church.[47] While this proves nothing, this Ælfstan may have had ties with Eadgifu, already identified as playing a potentially important role in the support of her son's kingship, and the royal household. Ælfstan witnessed regularly between the fourth and sixth place, usually below a certain Ælfric and above a second thegn named Ælfstan. The Ælfstan under discussion here also appears to have risen rapidly in charter witness lists after the events of the year 943, and came to attest regularly at the second place amongst the thegns after 944, just above Wulfric *Cufing*.

Two further examples of men whose status at court appear to have changed during these years should be noted, the thegns Wulfgar and Ælfric. Wulfgar had risen through the ranks of the thegns since the early 930s, and had witnessed King Edmund's charters prominently from 942, when he was second only to Odda. Upon Odda's disappearance in 943, Wulfgar witnessed at the first place amongst the *ministri*. In 944 Wulfgar ceased witnessing as a thegn and appears to have been promoted to his own ealdordom by King Edmund,

[44] S 597. In this case, two individuals named Ælfsige witness, in second and third place respectively, and both are styled *discifer*. For the meaning of this term, see Loyn, 'Gesiths and Thegns in Anglo-Saxon England', pp. 540–41, and Larson, *The King's Household Before the Norman Conquest*, pp. 133–36.

[45] It is however possible that both the consistently adjacent attestations and the titles given these two men reflect a relationship based on a similar position at Edmund's court, or within the king's own household. Even if this were the case, it would still point to a strong familiarity between these men.

[46] S 512 and S 497, respectively.

[47] S 512. See *Charters of Christ Church, Canterbury*, ed. by Brooks and Kelly, no. 112.

as he witnessed a single charter from 946 as *dux*.[48] However, the single charter that he witnessed as an ealdorman from the reign of King Edmund has eight men witnessing as *dux*, including the aforementioned Uhtred. It could be that like Uhtred, Wulfgar did not attend court often, perhaps as his ealdormanry was located in the North Midlands or the Danelaw.

Ælfric, on the other hand, does not appear to have enjoyed a long-term elevation in his status. Ælfric rose to prominence in the late years of King Athelstan's reign, and regularly witnessed third and then second from the year 939 until 942. Seemingly passed over for promotion, Ælfric gradually moved down in the lists, witnessing around the seventh place into the 950s, which may imply whilst his status at court was recognized, it was perceived that others were becoming more prominent.[49] Only one Ælfric *minister* attests charters of Edmund and Eadred, and so it is likely that they are the same person.

Throughout the course of the years 943 and 944, then, there were several developments at the court of King Edmund, and these shifts are visible in the witness lists of his charters. A number of high-ranking, regularly witnessing thegns including Odda, the highest and longest witnessing of all of King Edmund's (and King Athelstan's) ministers, disappeared forever. It is reasonable to suggest that this individual in particular may have been one of the more influential men in attendance on the young king. Ealdorman Wulfgar of Wiltshire (also the highest ranking) vanished at this time as well, and Ealdorman Uhtred began attending court far less often than he had until this point.

The voices of these men and others gone, many would be most keen to take their places, and a young king facing possible internal divisions and external military threats would require capable men. The meteoric promotion of two men named Wulfric, seemingly connected to each other, is evident, as is the promotion of several others with connections to the royal family and the powerful families of the ealdormen of Mercia and East Anglia, Ealhhelm and Æthelstan 'Half King'. Alongside these individuals a number of lesser, yet still important

[48] S 508. Wulfgar witnessed King Eadred's charters as dux until he disappeared in 948. In 943 Wulfgar was given ten hides at South Newton in Wiltshire (S 492), and in 944 he received five hides at Hinton St Mary, Dorset (S 502). For more on this Wulfgar see *Charters of Shaftesbury Abbey*, ed. by Kelly, pp. 63–65.

[49] Ælfric may have been a royal kinsman; a thegn by that name was granted an eleven-hide estate at Alverstoke (Hants.) in 948 and a five-hide estate at Curridge (Berks.) in 953 by King Eadred (S 532 and S 560, respectively). In S 560 Ælfric was styled 'Alfrico ministro meo mihi carniliter'; interestingly this property borders one possessed by Wulfric *Cufing*. See *Charters of Abingdon Abbey*, ed. by Kelly, I, 200–03.

men were promoted, men likely associated with similar interests and connections. Half of all the ealdormen in the realm were brothers, and the eldest of this family, Æthelstan 'Half-King', took over witnessing in the highest position in the witness lists at this same time. It was unlikely a single event that heralded these promotions and disappearances, considering that individuals disappear from the charter record at various times over the course of the year 943, and that it is not until 944 that the mingling careers of the two Wulfrics can be observed. Speculation about the reasons behind these transformations in Edmund's councils should therefore be made cautiously. However, it is clear that the witness lists of the charters produced at Edmund's court show a clear transition towards the dominance of a faction or factions of Mercian-connected families, perhaps at the expense of groups probably primarily connected with Wessex.

As noted above, the traditional picture of King Edmund's reign is one focused on events in the north of the country and his reaction to external military threats. The preceding discussion has attempted to illuminate the internal court politics in the early 940s, through the study of witness lists of royal charters, in the hope of suggesting a narrative that incorporates a more domestic perspective. The changes observable in Edmund's court could be attributed to military decisions and deaths in battle against Anlaf Gothfrithsson or the men of Cumbria. The observations made here however could provide support to an interpretation of King Edmund's accession and grip on power as not having been as smooth and easy as it has commonly been made out to be. When narrative sources are unforthcoming, close examination of charter witness lists can provide startling alternative narratives. It appears as though King Edmund was promoting a large number of individuals whom were, at least *prima facie*, close to the families of both Ealhhelm and Æthelstan 'Half King' throughout his reign, and especially after 943. This could be interpreted as a sign of increasing competition (or co-operation?) between these two families in the local administration of the kingdom. Whilst it is entirely possible that in 943 Ealdorman Wulfgar died or was ousted, with his, Odda's and others' voices gone from court, it was the family of Æthelstan 'Half King', as well as Ealdorman Ealhhelm that moved to promote their own interests at the expense of other influential court factions. The early 940s appear to have been a crucial time for the establishment of these two noble families.

There are precious few accounts of King Edmund's character, personality, and style of rule. The *Brunanburh* and 'Five Boroughs' poems in the *Anglo-Saxon Chronicle* provide suitable (yet not unexpected) praise of his leadership and martial skills. A late hagiographical source provides a rare glimpse into the culture of Edmund's court, however. Sometime between 995 and 1005, an

individual known only as 'B.' composed the first *vita* of Dunstan, archbishop of Canterbury. Dunstan owed his promotion to the abbacy of Glastonbury to Edmund, and every indication from this *vita* and other sources suggest their relationship was a close one.[50] 'B.' had been part of Dunstan's personal retinue for some time, and so historians have generally placed considerable faith in his accounts of Dunstan's life.[51] A vivid episode is recounted from Dunstan's time spent living amongst the thegns attached to the king's service before his appointment as abbot of Glastonbury. Dunstan's picture of the royal court is of one riven by faction, couched in common hagiographic terms of those who opposed the saintly Dunstan and those who loved his untainted life. At one point Dunstan was banished from court after some of the king's courtiers convinced Edmund that Dunstan was up to no good. The king is described as being in a 'towering rage', so worked up was he by the words of his counsellors against the saint.[52] Mere days later, after a near-fatal hunting accident was averted through miraculous intervention, the king appeared to have seen the error of his ways and immediately recalled Dunstan, restoring his honours and position. The episode paints a picture of a king quick to anger, and with a hair trigger when it came to dispossession and banishment from court. The episode also points to an atmosphere of competition, suspicion, and manipulation amongst the king's closest advisors.

One wonders to what degree the court culture alluded to in the pages of Dunstan's earliest *vita* was attributable specifically to the courtiers' relationship with King Edmund himself. In the last years of King Athelstan's reign, a great deal of centralized authority had been vested in the person of the king and a few ealdormen. Upon Athelstan's death and King Edmund's accession it appears to have become necessary to appoint a large number of new ealdormen. This could have been part of a defensive military strategy, but it might also be seen as a move necessitated by a reaction amongst the nobility to the new king. Between 939 and 946, when Edmund was assassinated (the fact that Edmund was killed in his hall suggests domestic conflict all by itself), eight ealdormen were promoted, and three disappeared; all those who disappear witnessed charters at the head of the lists.[53] Those who were 'senior' at King Edmund's court, with a

[50] King Edmund was buried at Glastonbury.

[51] See 'B.'s "*Vita S. Dunstani*"', ed. by Winterbottom and Lapidge; John, *Reassessing Anglo-Saxon England*, p. 95.

[52] 'B.'s "*Vita S. Dunstani*"', ed. by Winterbottom and Lapidge, cc. 13–14. I would like to thank Professor Lapidge for sharing his translation in advance of publication.

[53] While there is no 'average' rate of turnover when it comes to the promotion and disap-

few conspicuous exceptions, do not appear to have lasted very long, and many of these individuals were administering areas of Wessex. It is possible, then, that King Edmund's authority in the localities was either being delegated or appropriated, and magnates were in competition with each other for the benefits.

Two brief points of comparison might be made, one from England later in the tenth century and one from the Frankia in the early ninth. Pioneering the same methodology practised here, Simon Keynes demonstrated that there were several episodes at the court of King Æthelred II in the 990s that saw the replacement of some of that king's closest advisors with new men.[54] Neither Æthelred II nor Edmund ever made a 'clean break with the past', and there was clearly some continuity maintained as some men stayed while others left.[55] A starker shift in the composition of the royal court can be observed upon the death of Charlemagne. When Louis the Pious succeeded his father in 814, Louis's position was much like that of Edmund's in 939. Both men were heir to realms that were made up of formerly independent kingdoms largely conquered and brought together by their predecessors. One of Louis's first acts as king of the Franks was to replace many of his father's closest counsellors with men loyal to himself, many from Aquitaine.[56] The rate of disappearances and promotions at King Edmund's court cannot reasonably be described as a 'purge' or a 'cleansing' akin to Louis the Pious's, but the parallel remains. Such a comparison may at first seem irrelevant, but we know of Louis's preference for a new group of councillors from Aquitaine only through the narrative pages of court historians and biographers of members of the royal family, Frankish royal diplomas having no witness lists. That a potentially similar situation may be discovered only

pearance of ealdormen in the tenth century, a brief comparison with the reign of King Edgar (957–75) will demonstrate the difference in numbers. Over his eighteen-year reign Edgar promoted at least five ealdormen (the most prominent being Ælfheah, Æthelwine, Ordgar, Oslac, and Eadulf), while only three of the regularly witnessing ealdormen disappear from the charter record (Æthelmund, Æthelwold, and Ordgar). Ordgar, the father of Edgar's queen Ælfthryth, is known to have died in 971 (see Finberg, 'The House of Ordgar and the Foundation of Tavistock Abbey'); Æthelwold was likely the son of Ealdorman Æthelstan 'Half King', who is known to have died in 964 (see Hart, 'Athelstan', pp. 127–30), and Æthelmund was likely the same individual promoted in 940. None of these individuals witnessed regularly above the third place.

[54] Keynes, *The Diplomas of King Æthelred 'The Unready'*, pp. 176–93.

[55] Keynes, *The Diplomas of King Æthelred 'The Unready'*, p. 186.

[56] See *Charlemagne and Louis the Pious: The Lives*, trans. by Noble, pp. 203–05, 246–49; Radbertus, *Charlemagne's Cousins: Contemporary Lives of Adalard and Wala*, trans. by Cabaniss, pp. 43–50, 160–84; Airlie, 'Bonds of Power and Bonds of Association'.

through the examination of charters witness lists in the case of King Edmund illustrates the value of approaching charters in this way.

The status and position of individuals at King Edmund's court was changing, with some junior advisors witnessing highly and senior courtiers seemingly being sidelined. In 943 what may well have been a significant faction, possibly with a power base in Wessex, appears to have died or been removed, and in the aftermath it was the great families in charge of the areas outside Wessex that appear to have benefited most. The kin groups that remained in power after these tumultuous years were the families that would come to dominate English politics in the reigns of Kings Eadred, Eadwig, and Edgar, and it may be in this context that they consolidated much of their power.

Using diploma witness lists to come to conclusions about internal politics is not without its problems. Many questions remain surrounding what exactly is reflected in an individual's appearance, disappearance or movement within witness lists over time. However, the shifts in the appearance of the witness lists introduced in Anglo-Saxon charters late in the 930s — the consistency of attestations, the condensed number of witnesses, the regularity of their appearance within the charters — allow us to make more detailed observations regarding the individuals who witnessed these charters. A full treatment of the charters produced in the 930s and 940s remains to be done, and would require more space than available in the present volume. This chapter has attempted to demonstrate that these documents represent a remarkably rich vein of inquiry for the historian interested in tenth-century affairs, as well as for the diplomatist. Despite many problems, the present investigation demonstrates that claims of *impossibility* in untangling the different factions active in England in the 930s and 940s through examination of the witness lists of royal charters are unduly pessimistic.

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Changes in Patronage at Fulda: A Re-Evaluation

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Introduction: Databasing Fulda

While plenty of traditional problems of diplomatic remain to be solved, as some other papers in this volume demonstrate, many of the possibilities now open to those who study charters as historical evidence come from the application of new technology to the material. This can, however, create new problems. This essay addresses both possibilities and problems by examining some of the ways that using a database to manage the information in charters can lead to new avenues of inquiry, as well as some of the limitations inherent in such studies, in the process of carrying out a gendered analysis of donations to the Middle Rhine monastery of Fulda in the Carolingian period.

One of the advantages of using a database for such work is that it allows us to look not only at a large picture — in this case, a substantial set of charters — but also to look for commonalities and anomalies by breaking the information down into smaller component fields and searching across those fields. One of the corresponding limitations, though, is that this sort of approach can present a picture that, while accurate in terms of information, lacks context. Such was the case with a study I began on Fulda's female patrons. The initial results of my database queries were striking, indicating not only a decline in the numbers of women who donated lands to Fulda over the Carolingian period, but changes

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in the ways they participated in land transactions in general.[1] What follows is a re-evaluation of that study, setting the data into the larger context of what we know about more general patterns of donations at Fulda. Before addressing the results, however, a few words on the database itself are in order.

Some years ago, I created a database of the Carolingian charters in the *Codex Diplomaticus Fuldensis* as part of some research on the leading men in the Fulda area. There are 611 charters in the *Codex Diplomaticus Fuldensis* for the period spanning its foundation through the reign of Louis the German.[2] The database used here is simple: the data from these charters were broken down into some fifteen fields and entered into a spreadsheet.[3] Filtering by combinations of those fields allows for speedy identification of relevant charters, and also provides the user with the number of charters that match each query. Given the uncertainties surrounding charter survival, the results are relative, rather than absolute. Moreover, the limited number of charters also means that these results cannot be said to be statistically significant in a strict sense; nevertheless, they help to refine and add context to the qualitative information in the charters themselves.

For the initial project, I had coded the entries with the sex of the person or persons who had issued the charters, in order to narrow down my searches; in other words, to exclude the female donors. The process of coding the charters revealed that women had played a greater role in issuing charters than I had expected.

[1] Hofmann, 'Public Witnesses, Private Patrons'.

[2] *Codex diplomaticus fuldensis*, ed. by Dronke. This may not be the most comprehensively edited collection of Fulda charters, but is nevertheless one that is readily accessible, and since the obvious alternative, *Urkundenbuch des Klosters Fulda*, ed. by Stengel, was never completed, any study of the period past 848 must necessarily use the *Codex diplomaticus fuldensis*, bearing in mind the caveats offered as early as early as 1899 in Heydenreich, *Das Älteste Fuldaer Cartular im Staatsarchive zu Marburg*, p. 32. The Hessisches Staatsarchiv is currently in the process of digitising many of the documents in its possession, including the Fulda charters. Presently, however, only the royal and papal documents are readily available at their HADIS database site <http://www.hadis.hessen.de/>.

[3] One of the advantages of such a database is that additional fields can be added as needed to further filter information. The fields for this enquiry, however, recorded: document number; date; scribe/notary; place enacted; type of charter (*traditio*, *venditio*, *concambium*, etc.); donor(s); recipient; sex of donor(s); locations of property; whether any relatives were named; the names of relatives; relationship; whether *servi* or *mancipia* were included in the charter; witnesses; neighbours mentioned; whether the land was allodial/inherited; and whether the charter was royal or papal. For this and other studies, I added 'true/false' fields to identify whether members of the so-called Mainz magnate (see below) families were involved, whether women's names appeared in the witness lists, etc. There is an intuitive overlap with some of the fields suggested by Vogeler, 'Towards a Standard of Encoding Medieval Charters with XML', pp. 274–75.

Women acted independently, or at least with no mention of an attendant male relative, in many of the charters, but a cursory examination suggested that this declined over time. Breaking down the charters into fields also offered a glimpse of the sorts of interests women had, and the roles they played, in land transactions beyond simply acting as donors or co-donors. Their names also appeared as relatives, neighbours — that is, holders of lands that were adjacent to a particular donation — and on some of the witness lists. In some cases, their names appeared on witness lists even when their interest in a transaction was not clear.

This demands evaluation against our understanding of women's ability to inherit, hold, own, and alienate property. Much of that understanding is rooted in the comprehensive and detailed studies of early medieval law and property rights produced by the German *Rechtsschule* ('school of legal history') of the late nineteenth through mid-twentieth centuries. With painstaking attention to detail, legal scholars of that era examined the various 'barbarian' or 'Germanic' law-codes like the *Leges Alamannorum*, *Baiuvariorum*, *Langobardorum*, etc., in order to produce a comprehensive picture of 'German' law. That picture privileged the commonalities in the *leges*, based on an underlying assumption (or perhaps desire) that they reflected 'German' cultural norms.[4] Recent debates over the applicability of concepts like 'ethnicity' and 'Germanic' culture in Late Antiquity and the early Middle Ages, however, undermine any earlier notions of a common 'German' legal tradition.[5]

Over the last half-century, much of the scholarship focusing on women in the early Middle Ages has continued to centre on women's legal position as reflected in the property rights that they exercised,[6] as well as on the ways in which women's relationships to property affected their political and social status.[7] The dependence on the *leges* has, however, been mitigated by an increased reliance on other sources, not least the cartularies of major monastic foundations and various formularies[8] and, perhaps more importantly, by an under-

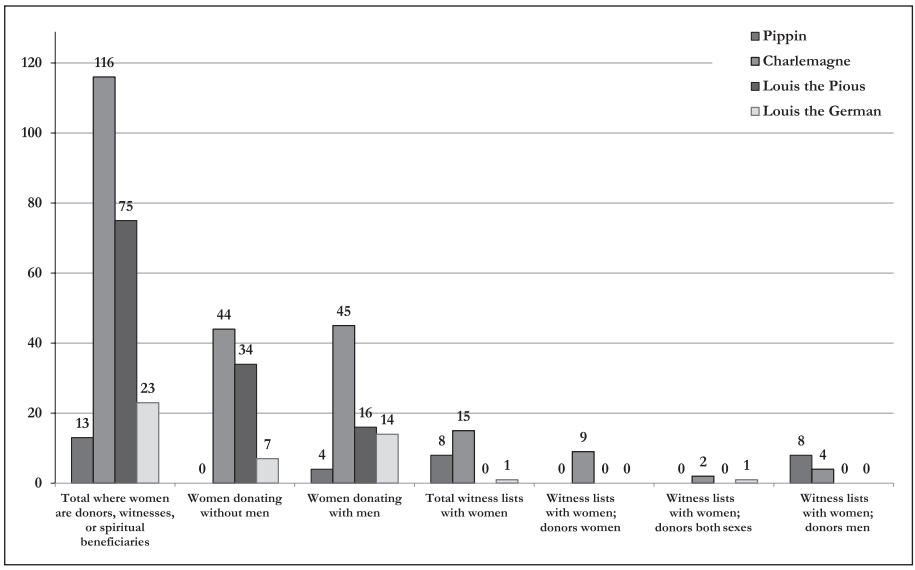
[4] The Ur-source here is Brunner, *Deutsche Rechtsgeschichte*.

[5] For a recent summary and analysis of the historiographical debates, see James, *Europe's Barbarians*, pp. 120–28.

[6] For a possible starting point for the Anglophone strand of this scholarship, see especially Herlihy, 'Land, Family and Women in Continental Europe'.

[7] See, for example, Le Jan, 'Convents, Violence, and Competition for Power'.

[8] Suzanne Fonay Wemple cautioned her readers on the limitations of using multiple cartularies for quantitative studies, and argued instead that studies based on single cartularies were likely to result in a better understanding of the period: Wemple, *Women in Frankish Society*, p. 108. That advice seems to have been heeded by her successors. Brigitte Pohl-Resl, among others, has argued that formularies also offer invaluable information that reflects better the actual



Graph 6. Patterns of donation and witnessing at Carolingian Fulda.

standing that all of these sources can and should be read not merely as recordings of events, but as indicators of praxis that are both textual and contextual.[9] Examining the ways in which women appear in charters beyond their roles as landholders is thus another way of broadening our picture of early medieval social and economic interaction.

Women and Witnessing

Of the 611 documents in the *Codex diplomaticus fuldensis* dating from the reign of Pippin the Short through to the end of the reign of Louis the German, women (excluding *servae* and *mancipia*) are mentioned in 228 of them, just

practices of property transactions than do the *Leges*: Pohl-Resl, 'Vorsorge, Memoria und soziales Ereignis', pp. 269–71. Pohl-Resl's discussion of *formulae* implies a prescriptive use similar to that once commonly ascribed to the *Leges*, however. In a recent study, Alice Rio offers a much more detailed discussion of formularies and their use: Rio, *Legal Practice and the Written Word*.

[9] See, among many others, Davies and Fouracre, eds, *The Settlement of Disputes in Early Medieval Europe*, and Davies and Fouracre, eds, *Property and Power in the Early Middle Ages*, or Brown, *Unjust Seizure*. A brief, but useful, summary of the debates over ritual aspects of charters can be found in Roach, 'Public Rites and Public Wrongs'.

over 37%. In comparison, men are mentioned in 95% of the documents — and close to 100% if we include all the documents where a male scribe is mentioned.[10] There is a sharp increase in the number of surviving charters from the beginning of the reign of Charlemagne onwards, as well as in the percentage of charters mentioning women. But over the reigns of Louis the Pious and Louis the German, not only did overall recorded participation by women decline, but also some forms of participation declined more than others (see Graph 6). In general, the participation of women as donors or witnesses declined after the reign of Charlemagne. Women's names appear most often in transactions when they are themselves donors, whether alone or with their relatives — usually their husbands. There is a marked decline in the number of donations made to Fulda after the reign of Charlemagne, and especially over the reign of Louis the German. Even taking this overall reduction into account, the proportion of charters where women were donors declined over the same period. Some of the problems with trying to compare the activities of men versus women are discussed below; clearly a drastic reduction in the number of surviving charters affects our ability to draw definitive conclusions, but noting changes in proportions may help to bridge the gap. Looking at the numbers of charters where women's names appear in the witness lists reveals similar declines. Charters where women's names appear on the witness lists are relatively few, and all but one case occurred before the reign of Louis the Pious; the exception dates to the reign of Louis the German.[11]

Many reasons might be suggested for such changes, including shifts in status of the leading families in the area, changes in family relationships, new legislation, differences in the status of the women involved, individual decisions to make donations to foundations other than Fulda, alteration of the venues where the donations were enacted, or scribal particularities. These last two reasons might have affected the ways in which male donors appear in the witness lists as well. One final reason that cannot be discounted also helps to demonstrate one of the drawbacks of working with a document collection of this size, and the advantage of having a flexible database: although the overall number of

[10] These last figures are not exact: there are a few documents that do not quite fit in, whether because all Dronke gave us is a line of description, as in *Codex diplomaticus fuldensis*, ed. by Dronke, doc. no. 1, which is listed merely as 'Cartula s. Bonifatii de finibus et terminibus fuldensis monasterii' ('a charter of St Boniface about the boundaries and limits of the monastery of Fulda'), or because of being royal precepts, or royal or papal immunities — although those certainly were granted by men!

[11] *Codex diplomaticus fuldensis*, ed. by Dronke, doc. no. 583.

611 is substantial, the gender dynamics of one kin-group may help to explain what seems to be a proportionately higher level of female participation seen in Fulda's early charters as compared to levels of participation for the charters of the later Carolingian era.

In many of the cases where women witnessed donations to Fulda, the women were members of leading families, both locally and in the larger scope of Carolingian society. This is especially true in the donations made during the reigns of Pippin and Charlemagne. The best-known families are those centred on Otacar, his brother Nordbert, and the count Leidrat; and the family of Hrabanus Maurus, abbot of Fulda from 822 and archbishop of Mainz from 847. Closely allied to these were the Udalrichings, sometimes called the Conradines or Geroldines. Originally based in Alsace, the family was already powerful and connected to other Frankish leading families before Charlemagne came to the throne. Charlemagne's wife, Hildegard, with whom he had nine children, was the sister of Gerold, who was named Prefect of Bavaria in 788. Gerold's brothers, Voto and Vodalrich (sometimes written 'Udalrich'), as well as Voto's wife, Rathild, appear regularly in the Fulda records. These families, as well as one or two others that have been linked to the area through marriage or surmise based on naming patterns,[12] are responsible for approximately 10–15% of the donations to Fulda during the reigns of Pippin and Charlemagne.[13] In almost two-thirds of the charters where women's names appear on the witness lists, the charters can be connected to at least one of these extended kin-groups.[14] All of these donations date to 796 or before.[15] This preponderance of women in the witness lists may have a simple explanation: two of the family founders, the brothers Otacar and Nordbert, do not seem to have had adult male children, but Nordbert had at least two daughters, and Otacar perhaps as many as four.[16]

[12] See, for example Friese, *Studien zur Herrschaftsgeschichte des fränkischen Adels*, pp. 48–50, for additional discussion of the Altfrid group and its connections to other families in the area.

[13] Approximately, because there are some cases where one or two identical or closely related names appear in documents from the reign of Louis the Pious, but where there is no conclusive evidence as to direct kinship connections.

[14] Thirteen out of nineteen.

[15] *Codex diplomaticus fuldensis*, ed. by Dronke, doc. nos 6, 8, 10, 14, 26, 39, 45, 63, 64, 90. Where there is no reasonably sound connection to the Mainz magnate families visible in the evidence, except through the names of men on the witness lists, I have assumed that no such connection existed.

[16] There is the possibility that there were sons who had at some point entered a monastery, but there are no indications of this in the charters themselves.

What of the other documents where women's names appear on the witness lists? Most do not offer clear connections between women on the witness lists and the donors. Where the connections are clearer, some ambiguities may still remain as to the exact role each woman played. For example, in one case, the witness list appears to begin after the date and the scribe's recognition; however, the phrase, 'Rotbold qui hanc donationem fieri rogavit' follows the first four names.[17] The next name is 'Blidthruda, coniuge sua',[18] and she is then followed by four more names, one of which is Withar. Withar is the only person on the witness list who is also mentioned in the document itself as the holder of lands adjacent to the donation. The composition of this witness list is not unusual amongst the charters in the *Codex diplomaticus fuldensis*; the reasons for a person's inclusion are frequently not specified. This points to another limitation of what searching a database by witness lists can reveal: unless the document itself provides clear evidence of a person's claim to property, or that she has given formal consent to a transaction, we cannot speak with certainty about their property rights. On the other hand, the very presence of women in the witness lists, especially where their claims are not spelled out, supports the notion that the people involved in drawing up these charters considered their inclusion necessary. In Blidthrud's case, although we cannot tell if she gave formal consent to the transaction, or even if she had a claim on the properties being donated, her connection to the donor is completely clear.

This sort of clarity is lacking in three charters issued by women identifying themselves as '*deo sacrata*'. The first of these was issued by one Hiltwar in 798 and concerned several holdings in the Wormsgau, as well one *servus*.[19] One of the neighbours mentioned in the donation also appears as a witness, along with the count Hatto, Waluram, and Gundram (the father and brother of Hrabanus Maurus). There are no named male relatives: instead, the first name after the subscription of Hiltwar's name is that of her mother, Reginswind. The circumstances here are different from those discussed above with regard to Blidthrud. Here, there are no indications of any other family members; thus it is more probable that the entry of Reginswind's name implied her assent, while the attendance of so many important men from outside the family might indicate a

[17] *Codex diplomaticus fuldensis*, ed. by Dronke, doc. no. 42: 'Rotbold, who asked that this donation be made'. The witness list itself reads, 'Germunt +Adalhart + Gerbald + Albwin + Rotbold, qui hanc donationem fieri rogavit + Blidthruda coniuge sua + Withar + Hartfrid + Walthar + Hruoding'.

[18] *Codex diplomaticus fuldensis*, ed. by Dronke, doc. no. 42: 'Blidthrud, his wife'.

[19] *Codex diplomaticus fuldensis*, ed. by Dronke, doc. no. 114.

real need to ensure the validity of the donation in the absence of male relatives. That Hiltwar and Reginswind had living male relatives is probable, since their names appear together again about three years later, where they are mentioned as the sister and mother of Gawiman. In the other two cases where donors identify themselves as '*deo sacrata*', the first name listed after the donor's is a woman identified as an abbess, yet neither charter indicates that the woman is preparing to enter a nunnery.[20] The term generally referred to women who were consecrated to God, yet lived outside the cloister.[21] If true, then the abbesses' names in the witness lists here may indicate some of the duties of an abbess towards women who wished to lead a religious life outside the cloister. Alternatively, there is the possibility that the terms so recognizable to ninth-century reformers may have been used differently in the eighth century, and that these women were living within the cloister, but had not taken full monastic vows.[22]

In the other donations made by men, the identities of the female witnesses are unclear. For example, in Herimot's donation of 758, the female witnesses are Irminhilt, Danghilt, and Pachilt.[23] The male witnesses' names include Folcholt, Folchat, and Folmot. The Irmin- name element is frequently found in witness lists along with Folc- (as in Folcwin or Folchart) — in those cases, there is a clear connection to another leading family of the area, the family of Altthuring.[24] The hilt ending is common, however, and it would be rash to claim that these women were definitely members of that family, although the donation does fit chronologically with other donations by known members of the family. Nevertheless, the commonalities suggest that a connection is at least possible. The document dates from the reign of Pippin and thus from a time where we see more women's names in the witness lists; there is no other obvious reason for their presence on this charter, which was 'actum Moguntie civitatis publice'.[25]

[20] *Codex diplomaticus fuldensis*, ed. by Dronke, doc. nos 150, 156.

[21] Jonathan Jarrett points out to me similar practices in early medieval Christian Spain, referring to Cabré, '*"Deodicatae"* y *"deovotae"*', and Davies, *Acts of Giving*, pp. 175–81, which offers interesting comparisons to this chapter.

[22] For a discussion of these ninth-century reforms, see Nelson, 'The Wary Widow', p. 90.

[23] *Codex diplomaticus fuldensis*, ed. by Dronke, doc. no. 17.

[24] *Codex diplomaticus fuldensis*, ed. by Dronke, doc. no. 99 establishes the relationship between the families via the marriage of Altfrid to Folrat, and gives the name of their son, Altthuring. *Codex diplomaticus fuldensis*, ed. by Dronke, doc. no. 103 mentions the name of Altfrid's father, also called Altthuring. See also: Friese, *Studien zur Herrschaftsgeschichte des fränkischen Adels*, pp. 48–51.

[25] *Codex diplomaticus fuldensis*, ed. by Dronke, doc. no. 17: 'done publicly in the city of Mainz'.

It should be clear, then, that despite the appearance of the names of women in witness lists, the roles they actually played in the transactions (the actual events, as well as in the version recorded in the charters) are more difficult to define and interpret. One final example of some of the challenges of interpretation of the data is a donation of property in the Wormsgau, which was made by Gawiman in 801. The donation notes the names of the holders of several of the adjacent properties, all male, but only one of those neighbours is listed among the witnesses. The construction of the charter itself is awkward, although not particularly abnormal. The dating clause states that the transaction was formalized 'coram testibus inferius scriptis'.[26] There is no clear demarcation, however, between the donor's subscription, the subscriptions of his mother Reginswind, and his daughters — whose names are all followed by 'consentientis' — and the name of his sister, Hiltwar, whose consent was not noted. Moreover, the next name on the witness list is that of a man, Beratrich, whose relationship to the others is not noted, but comes before 'Gundhar, his nephew' — it is unclear if Gundhar is Beratrich's nephew or Gawiman's, but it was probably the former. The running together of names at the end of the charter accentuates the problems of breaking down witness lists by person. Since the texts themselves are from a twelfth-century cartulary, it is not clear if the names subscribed were ever autographs.[27] The attestations of Gawiman's mother and sister were clearly there in order to provide proof of their consent. But what about Hiltwin? If she was there to give her formal consent, it was not noted in the charter. Additionally, if this was the same Hiltwin referred to above (and given that her mother is called Reginswind, this is probable), her name on the subscription suggests that claustration had not been imposed on her. It might also explain why so many powerful men appeared on the witness list to her donation, although Gawiman, her brother, was either not there or not yet old enough to participate. It is more likely, given that their relationships to Gawiman were stated without mention of their consent, that their names were included for a different purpose, whether it was to show informal consent, or merely as a record of their presence, should there be a future dispute. Both in

[26] *Codex diplomaticus fuldensis*, ed. by Dronke, doc. no. 218, quote: 'before the witnesses written below'.

[27] There is no introductory information in the *Codex diplomaticus fuldensis* itself. However, the editor, Ernst Friedrich Dronke, had also edited and published the *Traditiones et Antiquitates Fuldenses*. In the foreword, p. iii, Dronke explains that the edition is of the twelfth-century *Codex Eberhardi*. The documents collected in the *Codex diplomaticus fuldensis*, ed. by Dronke, appear to be a selection from *Traditiones et Antiquitates Fuldenses*, ed. by Dronke.

terms of managing data and understanding actual practice, we need to include them amongst the witnesses.

Doing this highlights another difficulty in working with the information in witness lists: not all of the people on the list were included for the same reasons. We must therefore consider that a 'witness', or 'witnessing', was not simply a legal role: it was a functional one as well. The lists include witnesses in the narrowest sense: that is, people who could be called upon for testimony in a dispute; however, they also include a much broader group comprised of people whose interests were not covered by law. It was important that they be seen to support (or insure) the transaction by adding their presence (or a record of it) to the collective memory of the event. The decline in the number of women mentioned in witness lists, seen in this light, may therefore indicate changes in women's relative status and prestige that cannot be ascertained merely by examining the control they had over their property.

Women and Men

One of the underlying points thus far is that women do not play their roles in a vacuum. Their activities are judged in relation to norms based on what men did — something for which we have much more evidence, and for which we have a longer historiographical tradition. This is evident even in the brief discussion of legal sources above. There were clear differences between men's and women's property rights and in the ways they participated in property transactions. Few historians today would think to ignore Janet Nelson's admonition that:

> To ignore gender — to omit it from, for instance, a discussion of early medieval individuals' rights to bequeath property, as if just the same conditions and constraints applied to men and women alike — is to miss an important dimension of difference in the lives we seek to reconstruct.[28]

Nelson was referring to the constraints on the lives of the women we study, but our studies can themselves be somewhat constrained by the relative weight we place on gender amongst the many differences that the laws could specify.

The works of the *Rechtsschule* support readings of legal status and property rights that emphasize gender difference over other social and legal differences.[29] This is in part due to the attempts to consolidate numerous different legal

[28] Nelson, 'The Wary Widow', p. 83.

[29] The sociologist Michael Kimmell somewhat jokingly calls this the 'interplanetary the-

codes into a single ancestral custom and partly due to assumptions these scholars made about what constituted 'normal' property rights. Both in the early Middle Ages and in the Germany of the *Rechtsschule*, those rights and the ability to control access to them did not come from any inherent 'German' tradition; rather, they were normal activities and concerns of the chief holders of power in any patriarchal society — men. In a brief discussion of the limitations of Anglo-Saxon law codes and other legal documents as sources for women's power and agency, Victoria Thompson points out one of the challenges posed by the language of the documents themselves: 'the pronouns used are ambiguous and may refer to men only or to both men and women'.[30] The Latin of the *leges* presents similar ambiguities, as did the German of the *Rechtschule*. As is true for Thompson's Anglo-Saxon legal documents, in the 'Germanic' *leges* and related documents, feminine pronouns and endings are used only in cases and laws that are specific to women. It is not particularly surprising that scholars of, and since, the *Rechtsschule* have thus framed their ideas about property rights on a gender binary where women are defined against a norm of 'men'. Laws and cases specific to women clearly *are* exceptions to a norm; however, they may not be any more exceptional than, for example, laws that are specific to slaves, or the half-free, or even to the king. If, for example, we consider gender as one of many different and sometimes intersecting factors that helped to define some classifications of people against a more generic norm, the norm changes in a small but important way: it shifts from 'men' to 'free men'. It also allows us to look more carefully at the differences amongst women in the way we already assess the differences amongst men, and may offer some potential for discussing the parts played by the intersections of difference in social and legal relationships.

Fulda's charters show changes over time in the levels of participation by women, and in the roles women played, but we still need a baseline for comparison. Starting with the same 611 documents, removing the royal and papal privileges and charters brings us down to a total of 553 transactions of various sorts, primarily donations, as well as some sales and a very few exchanges as well. The majority of these date to the reigns of Charlemagne and Louis the Pious (245 and 214, respectively), with only sixty-six from the reign of Louis the German and twenty-eight from the reign of Pippin the Short. Whereas

ory of gender difference', and discusses the implications of it in defining the 'other' sex as the 'opposite' sex. Following Gayle Rubin, Kimmell argues that the differences between the sexes are smaller than the differences within each gender group. Kimmell, *The Gendered Society*, pp. 15–16.

[30] Thompson, 'Women, Power, and Protection', p. 2.

women functioning as witnesses, especially when they were not donors, stood out as significantly unusual, male witnesses do not. This is one of the limitations to using even the best database for this sort of comparison: because men are so pervasive in the data set, it is almost impossible to separate them from general trends. The best information is thus gained by asking questions about difference, rather than about common practices. Comparing the cases where the language of a property transaction is slightly different, or where there seem to be practical constraints on a male donor, may allow us to better judge the importance of factors other than gender, and enrich our assessment of the role gender plays in such things as property holding.

Men and Witnessing

If we look at the ways in which men participate in land transactions at Fulda in the Carolingian period, there are, frankly, few surprises. Men donated, sold, and exchanged land; they witnessed each other's transactions, and generally their names are in the subscriptions to their charters. The witness lists are characteristically made up of people, mostly men, but occasionally women, who may or may not have had a clear interest in the transaction. Sometimes we can tell why a person's name was on the list, for example when the names of relatives or neighbours are also included in the body of the charter, or when a particular count or *missus* is a witness. Sometimes, as in cases where we know the names of other people who own property in a particular area through their own transactions, we can make educated guesses as to why their names appear, perhaps because they were neighbours or relatives, perhaps simply because they were local to where a particular document was drawn up. These are, however, assumptions that could be made for almost any witness list in any location. Instead, using a database helps to answer other questions that expose a bit more information about what was happening at Fulda during the period. For example, what about the cases where men did not attest to, or who did not subscribe to, their own donations?

Limiting a search of the charters to those where the issuer's name does not appear in the subscription of a donation or sale reveals several things. First, a series of simple searches shows that there is not much variation over time in the number of transactions where men do not subscribe their own charters. Although the number of transactions in the *Codex diplomaticus fuldensis* declines from the reign of Charlemagne to the death of Louis the German, the percentages of transactions where male donors do not subscribe stays relatively

constant, at about 21.5%, between 768 and 840. During the reign of Louis the German, that percentage shoots up to 27%, but that may have as much to do with the paucity of documents relative to earlier reigns as with anything else. Removing the number of transactions without witness lists at all changes those figures to some extent, resulting in a slightly different picture. Limiting the discussion to those transactions with witness lists, but where the male donors' names did not appear at the end of the charter, gives us about 10% each for Charlemagne and Louis the Pious, and only 9% for Louis the German.

Applying a simple set of filters to the remaining data allows examination of several variables that might explain the changes observed above. One obvious variable is the location where a document was drawn up. For the reign of Charlemagne, there are twenty-six documents without witness lists. Eight of these were drawn up at a monastery, and an additional two were donations made by clerics, one of them Lull, archbishop of Mainz.[31] But of the twenty-eight documents for the same period that have witness lists, nine were drawn up at Fulda, so the proportions are very similar. It seems that place makes no clear difference. A similar comparison for the reign of Louis the Pious draws equally unclear results — in fact of the nine charters where men are the donors and that are identified as having been drawn up at monasteries, six documents drawn up in monasteries have witness lists, and three lack them. Under Louis the German none of the charters drawn up at a monastery lacked a witness list. Searching the documents for another obvious variable, scribal particularity, also showed no clear difference. Finally, looking to see whether, when men appeared as donors in conjunction with other men or with women, one of the others might have witnessed the document was also fruitless. Unlike the cases under the later Carolingians where we see women making donations but not subscribing them unless accompanied by their menfolk — or indeed, where the men subscribe instead of the female donors — this did not seem to be generally true for men acting with each other. There are no clear cases where a different man subscribes for a male donor, except where he is a trustee, or proxy, for someone else.[32]

[31] *Codex diplomaticus fuldensis*, ed. by Dronke, doc. no. 75.

[32] *Codex diplomaticus fuldensis*, ed. by Dronke, doc. nos 115, 172, 177; *Codex diplomaticus fuldensis*, ed. by Dronke, doc. no. 134, for example, a traditio dating to about 797, reads, 'ego Boto [Dronke inserted the word 'trado' here] [...] per manum Hludes et Hruadheres, etc.' ('I, Boto, by the hand of Hludher and Hruadheres'), and the only subscribers to the document were that same Hludher and Hruadher. But this use of a '*per manum*' clause, denoting a donation through a trustee, occurs very seldom in this collection of charters, and almost always for women donors.

Transacting in Public

The searches conducted for this project also brought up several documents that are simply interesting in and of themselves, and reveal one commonality among the charters that remained after winnowing out the other variables. About 60% (30/54) of the charters with witness lists, but lacking a male donor's subscription, do specify that they were drawn up at a monastery, in public, or in some other way make very clear that witnesses were present.[33] The formulae are not unfamiliar: 'acta in publica', 'acta in monasterio', and 'coram his testibus' all appear, as do several variations of 'hic sunt testes' and 'isti sunt testes'.[34] Additionally, several offer even more specific details, some of which indicate that some sort of formal investiture ceremony to mark the transaction may have taken place.[35]

The most detailed of these documents is *Codex diplomaticus fuldensis*, doc. no. 388, a *traditio* made by Reginolt in 819 for properties and *mancipia* in several areas, including the Grabfeldgau and Weringau. In addition to the fact that the *traditio* was enacted in public at Sundheim, we are told that it was done before the count Poppo and his *iudices*, followed by a list of names divided in two parts by the phrases, 'hucusque traditionis', 'Nunc vestitionis'.[36] Another *traditio*, *Codex diplomaticus fuldensis*, doc. no. 124, dated to about 797, is one of three documents recording the donations of a father and son, Egilolf and Helpfolf, for themselves and for Egilolf's father, Huntolf, to Fulda. In *Codex diplomaticus fuldensis*, doc. no. 124, one of two *traditiones* made by Egilolf, the witnesses are divided into three groups: the first are witnesses to a *vestitio* in the villa of Swanafeld, while the other groups are listed simply as witnesses (*testes*) in Wangheim, which is not one of the places listed in the body of the donation, and in Heriffu, which may refer to the villa of Herifatorphe mentioned earlier in the document as part of Egilolf's patrimony.[37] The idea that some sort of for-

[33] *Codex diplomaticus fuldensis*, ed. by Dronke, doc. nos 102, 106, 112, 123, 124, 128, 134, 162, 170, 173, 220, 227, 242, 243, 254, 273, 276, 326, 328, 338, 340, 346, 388, 394, 396, 400, 407, 413, 419, 421, 444, 466, 507, 569, 570, 577, 598, 601.

[34] Respectively: 'done in public', 'done in the monastery', 'in the presence of these witnesses', 'here are the witnesses', 'these are the witnesses'.

[35] *Codex diplomaticus fuldensis*, ed. by Dronke, doc. nos 124, 162, 328, 388.

[36] 'And of the handing-over'; 'now of the investiture'.

[37] 'Actum in monasterio Fulda die VI mensis februarii. Ego Asger scripsi. Ecce hic testes illius vestitionis qualiter Egilolf tradiderat Sancto Bonifacio in Swanafeldum [...]. Ecce isti testes sunt supra in Wangheim [...] ecce testes in Heriffu [...]' (Done in the monastery of Fulda the 6th

mal investiture may have occurred may be supported by two other documents, which list the witnesses 'qui viderunt et audiverunt'.[38] On at least a superficial level, then, there appear to have been very clear efforts made to ensure that, when male donors did not subscribe their own donations, those donations were nevertheless securely witnessed.[39] In terms of other cases where male donors do not subscribe their own transactions, there are few other elements of the charters that stand out, at least not to the extent that we can surmise the reasons.

Conclusions and Suggestions

This is perhaps the greatest limitation as to how digital searches, especially database searches, can enhance our research: they can help us to find the information, but for a collection like the *Codex diplomaticus fuldensis*, the questions the database itself can answer are very general. The searches I applied revealed some trends, and saved a great deal of time. They showed very clearly that the number of charters in which women were mentioned as donors, witnesses, or spiritual beneficiaries declined markedly from a peak under Charlemagne to the death of Louis the German. Filtering the data in the charters helped to find commonalities that explained what seemed to be anomalies in the proportion of charters where women were involved, for example, in those of the Mainz magnate families, especially the one centred on Otacar and Nordbert. Despite all this, the real interpretive work must still be done by reading the charters themselves carefully. These sorts of tools nevertheless open up a broader range of questions: pointing out anomalies and commonalities demands that we ask why they exist. Moreover, the sort of work involved in categorizing the data requires looking at charters not merely as legal texts written to a specific format, but as records generated by people in their particular circumstances, to which the charters are themselves partial testimony, and raises questions

day of the month of February. I Asgar wrote. Behold here the witnesses of this investiture that Egilolf had handed over to Saint Boniface in Swanafeld [...]. Behold these were the witnesses to the above in Wangheim [...] these the witnesses in Heriffu [...]').

[38] *Codex diplomaticus fuldensis*, ed. by Dronke, doc. nos 173, 346: 'who saw and heard'.

[39] Thorne, 'Livery of Seisin', p. 49 of the reprint, claimed that, in the eighth century at least, 'the ceremony on the land was the jural act that transferred ownership [...]', but it is unclear whether he saw such ceremonies as having been limited to England, and for how long the situation which he described obtained. Given that the Fulda traditiones have charters seemingly initiated by the donors as well as by the recipients, and that there are both witness lists that specify a ceremony and those that do not, a re-evaluation of Thorne's sources would be welcome.

about how the people who recorded and used these charters understood how their society worked. The particular circumstances surrounding these records, at least in terms of studying the lives of medieval women who were fortunate enough to belong to land-holding families, can be challenging. Even the most complete charter collection will only reflect the activities of a relatively small segment of the population, of which women land-holders were an even smaller part. When the sources cannot give us the answers to the questions we want to ask, we are forced to look for new questions, and new ways of examining what the sources seem to tell us. In this sense, therefore, the problems are the makings of new possibilities.

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